Regular meeting of the Board of Selectmen held Monday, January 7, 1991 at 6:45 pm at McCarthy Middle School. Members present were: Ms. Towle, Mr. Ready, Mr. Johnson and Mr. Blomgren. Mr. Emerson was absent due to illness. Bernard Lynch, Town Manager, was also present.

Chairman Towle called the meeting to order at 6:45 p.m.

Motion by Mr. Ready, seconded by Mr. Johnson, unan. to approve the minutes of the December 17th meeting.

Attorney James Geary was present representing Charles D' Angelo, president of North Chelmsford Auto Parts. Mr. Geary gave the Board a copy of the restraining order which his client was issued the day after the Board denied the renewal of his Class III Auto Dealer's license. The injunction allows him to operate until after tonight's meeting. Mr. D' Angelo and his manager Raymond Bowman were both present at the meeting. Mr. Geary explained that there has been a Class III license on the Sleeper Street property since 1951 and Mr. D' Angelo has been there since 1965. The entire area is zoned commercial, and Mr. Geary named the various businesses in the immediate area. Mr. Geary understands that the Board received a complaint from the Sweeney family about spillage of oil on Sleeper Street - Mr. D' Angelo claims that there was only one incident and it was cleaned right up. The State DEP also received an anonymous complaint and when they came out found no problem but wanted to make sure that the used oil is disposed of properly. Atty. Geary continued that Mr. D' Angelo has always cooperated with the Town, granting them a sewer easement, etc. and the sewer department found no contamination either. He added that the Sweeneys had bought their property 2 or 3 years ago for $96,000 and had offered to sell it to Mr. D'Angelo for $225,000.
Atty. Geary said he is asking the Board to consider renewing the license for the following reason: Sleeper Street has always been the address of the facility and both Sleeper and Butterfield Streets have always been used as access. He suggesteed that the conditions for granting be: 1. all regular light activity come in over Butterfield Street, with only vehicles of 5 ton or more using Sleeper Street and keeping the gates at Sleeper Street closed at all times; (He explained that Sleeper Street is wider and has no culvert to cross over as does Butterfield Street) 2. they will furnish receipts from the licensed facility to which they take the used oil under EPA rules; 3. they will be called in for a review of their performance by either the Town Manager, Board of Selectmen or the Building Inspector in June; 4. neither party to concede under the existing lawsuit, and give him 6 months to comply with these rules.
Mr. Ready asked if the DEP gave a report in writing, and was told No, that they didn't check for contamination and neither did the

Sewer Department.

Mr. Johnson said that his motion at the last meeting had seemed fair, wait for reports from the abutters, Board of Health and 21E. He wants to go to the regulatory commissions before putting someone out of business.
Motion by Mr. Johnson, seconded by Mr. Ready for discussion, to post a new Public Hearing, with notice to the abutters, for January 23.
Mr. Ready said he wants to get input tonight.
Michael Sweeney, 7 Sleeper Street, said he was surprised that the Board had shut Mr. D' Angelo down so quickly at the last meeting. He stated that there is still a lot of spillage and billowing smoke. He feels there is a potential for toxic waste and we need to have DEP do soil testing.
Debbie Sweeney said they have been living there 6 years and only in the past year has Mr. D' Angelo been using Sleeper Street as an entrance. Vehicles are still parked in the street and they have to call the Building Inspector.
Manager Raymond Bowman said that the smoke comes from cutting up the steel pieces, and nothing is ever parked outside the gate that belongs to the junkyard. He explained Mr. Sweeney's photos, saying that the trucks do not belong to No. Chelmsford Auto but are in space rented by Toure Larson.
Town Counsel James Harrington asked if the Town can make inspections before the hearing abd Mr. Geary said certainly. He said we will have the Building Inspector check as to who owns the vehicles outside the fence, Cargill or Larson.
The vote on Mr. Johnson's motion to schedule another Public Hearing was unan. in favor. Motion by Mr. Ready, seconded by Mr. Johnson, unan. to allow the temporary restraining order to remain in effect until January 28th.

A **Public Hearing** was held on the application of **CIRO'S, Inc.** Attorney Joseph B. Shanahan, Jr. represented sole stockholder **Vincent Cicerchia**, who has owned and run Vincenzo's Restaurant for 9 years and CIRO'S for 3 years. CIRO'S is a gourmet pizzeria and presently has a wine and malt beverages license. Mr. Cicerchia has bought the shopping plaza in which both establishments are located, and he and George Yannakopoulos have opened a second CIRO'S in Nashua, NH, and are applying for licenses for a third establishment in Maynard. Tonight he is applying for:
1. endorsement for the **expansion of CIRO'S** - they have added 800 square feet, increasing the seating from 50 to 100. He apologized for not appearing before the Board prior to the expansion, stating that they did not know that they have to modifdy their license for expansion;
2. **transfer 1/2 the stock in the organization to George Yannakopoulos**; and
3. they are seeking to **replace their beer and wine license with an All Alcoholic Restaurant license**, since he has proven himself in Town.

Attorney Shanahan said the reasons for applying for the new liquor license are:
1. their experience in their Nashua store has shown that an all Alcoholic license works well with this type of establishment;
2. since the Town has no more beer and wine licenses, and the number of All Alcoholic licenses is diminishing, this transfer could free up one beer and wine license for use by a pizza shop.
Attorney Shanahan said he had sent notice of the hearing to 25 abutters. Mr. Ready asked if a background check had been done on Mr. Yannakopoulos and was told No, since he is not the manager. Mr. Yannakopoulos has been in the restaurant business for the last 3 years, with Gourmet Express in Westford and CIRO'S in Nashua.
No one present spoke in favor of the application. **Tricia Terescho, 163 Concord Road** said that employees and customers are parking on Sonora Drive, and that she was not notified of a hearing prior to the expansion, although she was notified of tonight's hearing.
Connie Mansfield, 4 Sonora Drive, said she is also concerned about the parking, that Sonora Drive and Concord Road is a blind corner and people have to drive in the middle of the road due to employees cars being parked along the road. Atty. Shanahan said that this was temporary, during the holidays, that employees were told to park in the lot at the rear of the building and there had been 2 dumpsters there during expansion.
Motion by Mr. Ready, seconded by Mr. Johnson, unan. that we approve the expansion of the premises with the stipulation that employees and customers don't park on Sonora Drive.
Chester and Betty Russell spoke, stating that they own land behind the restaurant that is now woodlands but might eventually be developed, and their feeling about the granting of the full liquor license is that it won't add to the attractiveness of their land.
Motion by Mr. Ready, seconded by Mr. Johnson, unan. to approve the 50% stock transfer to George Yannakopoulos. Following the Board's policy the application for a full liquor license will be voted on at the next meeting.

At 7:35 pm motion by Mr. Ready, seconded by Mr. Johnson, unan. to **adjourn to the Special Town Meeting.**

For the Board of Selectmen, by

Judith E. Carter

Regular meeting of the Board of Selectmen held Wednesday, January 23, 1991. Members present were: Ms. Towle. Mr. Ready, Mr. Emerson and Mr. Blomgren. Mr. Johnson was away on business. Town Manager Bernard Lynch was also present.

During the Open Session Norma VonFricken, 255 North Raod, addressed the Board with various ideas she has on improving life in the community. Ms. Towle suggested that she also present her ideas to the School Committee.

Ms. Towle then read a prepared speech on running for re-elction, stating that after 12 years on the Board she is not seeking re-election, that she wants to give 100% to her upcoming marriage and also give some volunteer time to the Persian Gulf war effort. Mr. Ready said he is caught by surprise - that he has never sat on a Board without her. Mr. Emerson said he feels she has made a significant contribution to the Board and the Town, and that he has run concurrently with her on several occasions. Mr. Blomgren said that he really appreciates Ms. Towle's efforts, and wishes her all the best.

Motion by Mr. Ready, seconded by Mr. Emerson unan. to approve the minutes of the January 11th meeting.

Certificates of Appreciation were presented to:

1. Anthony Ferreira - 37 years as Sealer of Weights and Measures

2. Jack Hadley - member of the Fire Department for 31 years

3. Richard Lahue - member of the Historic Dsitrict Commission for 15 years. Mr. Emerson read a list of Mr. Lahue's contibutions to the Town, including acting as Clerk of the Works on the restoration of the Old Town Hall.

There were no Board reports.

The Town Manager reported:

1. Snow and Ice Update - we are half way through the winter and $190,000 has been spent. We have implemented designated planned routes, checking the performance of contractors, utilizing all DPW employees, prioritization, minimizing the use of salt and trying to keep the cost to the appropriation of $350,000. The cost of keeping the roads clear to the average taxpayer is $30.00 per year. They try to keep the roads passable, and the last plowing is usually as the storm ends. Board members asked questions and made comments. Mr. Emerson said he will give the DPW and crew a chance to do better, and Mr. Blomgren asked how to get action after hours. Mr. Lynch said to call 250-5272 and if no one is there, to call the Police Dispatcher. Salt and sand is

stockpiled at the McCarthy School for residents use. Sidewalk plowing is a priority in the area of the schools, and then at key intersections.

A Public Hearing was held on the transfer of the All Alcoholic License at 313 Littleton Road from Mei Li Garden to BumbleBee's. Attorney Joseph Shanahan represented JDJS Inc, and Grover SooHool owner of Mei Li Garden and also the Mai Kai. He said that the restaurant had closed on January 7, and Mr. SooHoo wants to transfer the License to George Whitman and Robert Heroux, d/b/a CAM Corp. He presented an affidavit of service of notice to abutters, although it is not necessary by law for a transfer. Atorney Shanahan gave Mr. Whitman's background, and said that BumbleBee's will have a menu similar to the Ground Round although not a chain, and will keep the same floor plan and hours as Mei Li Garden, with only a service bar. Ms, Towle asked about #17 on the applciation, and asked why there was no background check on Mr. Heroux, since it indicated that he has a record. Atty. Shanahan said that he is not serving as Manager, and that as noted on the application he had violations as a disorderly person in 1970 and OUI in 1984. Mr. Heroux's background was accepted by the ABCC for a license in Tyngsboro.
Atty. Shanahan again stated that the hours will be 11 am - 11 pm, and that they want a family restaurant with a service bar, not a lounge. Mr. Whitman said that he wants to open in mid February, with or without a liquor license.
Motion by Mr. Ready to table the vote until the February 4th meeting. Mr. Shanahan said that it has not been the policy of the Board to place a Hold on a transfer, that to get processed by the ABCC now takes 6 -12 weeks, that Mr. SooHoo is in financial difficulty and is asking for a vote now. Mr. Emerson said he is ready to vote tonight, but Mr. Blomgren said he wants a Criminal History Systems Board report on Mr. Heroux and that he is concerned that Mr. Whitman has managed lounge-type restaurants and is afraid that BumbleBee's will turn into that type. Mr. Shanahan said he has only received 2 phone calls from neighbors and they were not in opposition. Attorney Joseph Holmes, representing Messrs. Whitman and Heroux, said that his clients would only consider a family style restaurant.
Mr. Blomgen seconded Mr. Ready's motion to table, and the vote was 4 in favor.
Attorney Shanahan commented that the Board is putting an unnecessary financial burden on Mr. SooHoo, and it was also the Board's fault that he didn't get his liquoir license for the first 6 months he was open.
Mr. Ready moved that as part of the licensing policy on transfers that we include as part of the package a copy of the minutes of the meeting when the original license was granted, seconded by Mr. Blomgren, unan. Mr. Blomgren said he wants a standard punchlist of documents for licenses, and Mr. Ready said he thinks we need a Work Session on liquor licenses.

The Board then held a second **Public Hearing on the application of North Chelmsford Auto Parts for the renewal of their Class III Auto Dealer's license.** Attorney James Geary represented Charles D' Angelo, owner and Raymond Bowman, Manager. Mr. D' Angelo claims that there is no other use for the property since it is in a commercial zone. Attorney Geary then answered the charges of Mr. and Mrs. Michael Sweeney, abutters to the Sleeper Street property: 1. a change in access from Butterfield Street to Sleeper Street - it has always been this way, that they use Butterfield Street for small vehicles and Sleeper Street for 5 tons or more, and keep the gate locked; 2. oil spillage - there was one spillage which was cleaned up immediately; 3. oil on site - is inevitable. The property was investigated by the state DEP, who ordered strict control over the disposal of waste oil. The oil is now taken by licensed transporters in a 55 gallon drum every month to a licensed facility in Brockton. Atty. Geary said that they have had an on site inspection by the Building Inspector, Board of Health and Town Counsel. He added that there was no indication of contamination when the sewer easement was dug, but they will install a gas/oil trap on a concrete pad with berm around it. Mr. Emerson asked if they have a written report from the State and Mr. Geary said No, but they can give the Board a log book of the disposal of the waste oil.
Motion by Mr. Ready, seconded by Mr. Emerson, to **adjourn to Executive Session to discuss litigation with Town Counsel.** Roll Call vote was as follows: Mr. Ready-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Ms. Towle-Aye.

At 8:45 pm the Board **returned to Open Meeting** and **reopened the Public Hearing.** Town Counsel James Harrington recommended that the Board grant a conditional license on the property, with the 5 conditions listed in his letter to the Board dated January 23, 1991, adding a sixth condition that the Sleeper Street entrance be limited to the delivery or pickup of vehicles more than 5 tons, and be inside the fence within 10 minutes of arrival.
Motion by Mr. Ready, seconded by Mr. Emerson, unan. to grant the Class III license with all the existing conditions and the new conditions outlined by Town Counsel. Mr. Sweeney asked for the test results and was told he could get them from Richard Day.

American Legion Post 313 was present requesting that Donald Quebec be appointed **Manager** to replace Ronald LaVie. Mr. Quebec gave his background and said that he works full time at the IRS. He will go in in the morning, check the receipts and inventory, do the payroll and schedule work hours.
Motion by Mr. Ready, seconded by Mr. Emerson, unan. to approve the **change in manager.**

Members of the **Handicapped Commission** were present to discuss policy. Ralph Hickey said he would like the Town to adopt the policy regarding handicapped accessibility on the transfer or issuance of any Common Victualer license in the Town, and make it a condition that they follow the state rules. Ms. Towle read the policy of the Town of Dennis. Mr. Hickey said several towns have adopted this policy, and the Town Manager will check with the Town of Dennis to see if there have been any problems in implementing it.
Mr. Emerson asked for a **Personal Hold** on this matter until the next meeting, stating that he wants to review the policy.
Mr. Hickey said that the President has a stronger policy that the Town will have to implement in the future.
Mr. Blomgren asked Mr. Hickey to give Mr. Lynch a list of 3 - 4 towns with this policy and Mr.Lynch will check for their success, and have Mr. Lynch check the last 3 - 4 licenses granted and have Mr. Hickey check on what impact the policy would have had on them.

Under **Unfinished Business** the Board voted on the application of CIRO'S for an All Alcoholic license. Motion by Mr. Ready, seconded by Mr. Emerson, unan. to **approve the All Alcoholic license requested by CIRO'S.** Motion by Mr. Ready, seconded by Mr. Emerson, unan. to adjust the fee since they have already paid for a Beer and Wine license.

Mr. Lynch then continued with his **reports.** On the **Bank Investments** report, Finance Director James Doukszewicz explained that BayBank and Boston Safe Deposit hold the Town's largest funds, which we monitor closely. He said that as a municipality we don't go for the highest yield to sacrifice safety. The Treasurer/Collector Association has put forth legislation for 3 years that banks that want municipal funds must have a fully collateralized fund. He said that on the collection rate on taxes, 92% was in on the due date, which is a decline of 2 - 3% from the prior year, and that most delinquencies are commercial/industrial, not residential.

On the **Lowell Sewer bill**, Mr. Lynch said that a $1.9 mil bill was sent to the Town from Lowell, and the bill was unexpected. We met with Lowell and the Twon has many objections to this bill. The sewer engineers, Finance Director, two other communities involved and legal counsel are all working on this, and the Town will fight much of the bill.

On **Streetlight** charges, by making changes we will save $13,000 per yeaer in the FY92 buget. We are looking at a shortfall of app. $3 mil with a level service budget. Mass. Municipal is talking with the Governor and Beacon Hill regarding Question 5, and the word is that we will be lucky to get level funding from the State.

Motion by Mr. Ready, seconded by Mr. Emerson, unan. to **approve Voter Registration hours** as requested by the Town Clerk.

Under **Town Manager Appointments** Mr. Lynch said he has appointed Robert LaPorte, currently an alternate, and Stephen Stowell, an architectural historian, to the **Historic District Commission.** He has received a letter of resignation from Perry Richardson, so we now have vacancies for 1 regular and 2 alternate members.

Under **New Business Mr. Ready** said that we want to **support the troops in the Persian Gulf** and asked anyone who knows of any Chelmsford resident serving in Operation Desert Storm to let us know their name and address and we will send a letter of support from the Town.

Mr. Blomgren commented on the budget process, saying that we need alternative solutions for trash and recycling, that we will have to alter our services on bulk and leaf collections, and that we should also look at collective bargaining. Mr. Lynch said he has suggested holding Work Sessions in February for policy,, etc. He is discussing the funding of recycling with the Solid Waste Advisory Committee, and the Board can discuss collective bargaining in Work Sessions in Executive Session. We have to look at consolidation of services, personnel, etc. and the time is right for consolidation with the School Department, even possibly facilities. It was announced that the School Committee wants to meet with the Board, Finance Committee and Town Manager next Tuesday.
Mr. Blomgren said that the memo about tonight's meeting sent out by Mr. Lynch was very helpful.

Ms. Towle asked that her registration for the Mass. Municipal conference be cancelled, since she is not running for another term.

At 10:00 pm motion by Mr. Ready, seconded by Mr. Emerson, unan. to adjourn the meeting.

For the Board of Selectmen, by

Regular meeting of the Board of Selectmen held Monday, February 4, 1991. Members present were: Ms. Towle, Mr. Ready, Mr. Johnson, Mr. Emerson and Mr. Blomgren. Town Manager Bernard Lynch was also present.

During the Open Session Tom Welch, 56 Crooked Spring Road, addressed the Board on the subject of the Lamplighter Green decision, which was in favor of the developer. He said he is still concerned about the safety of the drinking water and questioned Secretary DeVillars' commitment to reviewing the EIR. He said that the Housing Appeals Committee is a rubber stamp committee, and he feels the judge used questionable sources. He is appearing tonight as a concerned citizen, and is not asking the Board to go forward with another appeal but is asking them to still show concerned opposition to the project. He asked the Board to draft a letter to Governor Weld and our Senator and Rep. giving the history of the project and the Town's reasons for opposing it. Mr. Welch then thanked the Board for their continuing support over the last 3 years.

Chairman Towle called the meeting to order at 7:30 p.m.

Donna Johnson, President of Friends of the Senior Center Inc. addressed the Board, stating that the Friends was formed 10 years ago to help obtain funds for building a new center. She said that Mr. Eric Brigham died recently and left a large sum of money to the Seniors. The money is in an account at Shawmut Bank, and only the interest can be used. $36,000 per year is owed to the Town on the new Center and the interest will be used to help fund their building and give money back to the Town.

Under Reports Mr. Ready said that last Tuesday he and Chairman Towle met with the School Committee and Finance Committee to disc uss budgets and a possible override. Departments were asked for 2 budgets - 1 level funded and 1 level service. They will meet again and talk about a level service budget. The Board won't support an override unless Town Meeting approves and they feel the people would like a menu-type approach. Ms. Towle said that the next joint meeting will be March 12th at the Parker School.

At 7:35 pm George Gagan, New England Telephone Company, addressed the Board with petitions for placing buried cable on formerly private ways, which have now been accepted by the Town. All the work has been done, and there is no hearing required. The purpose is just to update the Town's records. Motion by Mr. Ready, seconded by Mr. Emerson, unan. to approve the cable on Shedd Lane, Thomas William Way, Moore Steet and Sears Lane.

Under Reports, Mr Ready said that at the last meeting he had asked for the addresses of servicemen in Operation Desert Storm. He read the names that the office has received so far and said

that the Board will send letters to them showing the Town's support. Mr. Blomgren asked anyone participating in the support March on Saturday to send in any extra pictures if they have them. Mr. Emerson said he wants to thank Mike Kinney for an exceptional job in organizing the march, and also the Elks, Emblem Club and Merrimack Valley Vietnam Vets. He and Mr. Blomgren marched from the Common to the Town Offices, and Mr. Blomgren said it was a moving experience.

Under **Town Manager Reports Mr. Lynch** said that on the **Lamplighter Green** matter the court has ruled to uphold the Housing Appeals Committee and let the development go forward. Ms. Towle asked about funding and Mr. Lynch said he is not sure of the status of HOP funds - he understands the Governor may be eliminating these funds.
Mr. Blomgren said that Tom Welch had asked that the Town Manager send a letter to the Governor, Senator and Representative, and moved to do so, seconded by Mr. Emerson. Mr. Ready said No, this strategy is not in the best interests of the Town and doesn't work. Mr. Johnson said he is opposed because the case was heard and the ruling was in favor of the developer. The Town had a moral obligation to pursue the appeal but now the developer should work with the State, not the Town. He added that you win some and lose some. Mr. Emerson said he feels we should send the letter to set the record straight with the new administration. The vote was 3 in favor of the letter (Ms. Towle,, Mr. Emerson and Mr. Blomgren), and 2 opposed (Mr. Ready and Mr. Johnson). Mr. Johnson said that he wants the Town to have no further role in this project.

Peter Frassica, Sun Total Systems, was present to request the **transfer of the Class II Auto Dealer's license from 6 Wesley Street to 10 Wesley Street.** The license is now under the name of Renee Dyer, who went out of business the first of the year. She didn't renew the license at the end of the year so this is basically an application for a new license. Her license was restricted to 10 vehicles and he wants it to supplement his body shop business. Under the previous license at 6 Wesley Street there were rental trucks there but these are not allowed. Mr. Emerson asked if he planned to do anything other than sell used cars and Mr. Frassica said that he now has the rental trucks at #10. Ms. Dyer still owns #6 and he has been at #10 for 6 years as an Auto Body Shop.
Mr. Emerson said he thinks the license should be for 5 vehicles for sale, not 10. Mr. Blomgren asked to have the Building Inspector inspect and endorse this application.
Motion by Mr. Johnson, seconded by Mr. Emerson, unan. to approve subject to a report(zoning, signage, etc.) from the Building Inspector for 5 cars at 10 Wesley Street and subject to the payment of all taxes.
Motion by Mr. Blomgren, seconded by Mr. Johnson, unan. that the Town Manager put together the same punch list for Auto Dealer's licenses as for alcoholic licenses. Mr. Ready asked that if a transfer that minutes of the meeting granting the original license be included.

The Board then held a second **Public Hearing on the application of North Chelmsford Auto Parts for the renewal of their Class III Auto Dealer's license.** Attorney James Geary represented Charles D' Angelo, owner and Raymond Bowman, Manager. Mr. D' Angelo claims that there is no other use for the property since it is in a commercial zone. Attorney Geary then answered the charges of Mr. and Mrs. Michael Sweeney, abutters to the Sleeper Street property: 1. a change in access from Butterfield Street to Sleeper Street - it has always been this way, that they use Butterfield Street for small vehicles and Sleeper Street for 5 tons or more, and keep the gate locked; 2. oil spillage - there was one spillage which was cleaned up immediately; 3. oil on site - is inevitable. The property was investigated by the state DEP, who ordered strict control over the disposal of waste oil. The oil is now taken by licensed transporters in a 55 gallon drum every month to a licensed facility in Brockton. Atty. Geary said that they have had an on site inspection by the Building Inspector, Board of Health and Town Counsel. He added that there was no indication of contamination when the sewer easement was dug, but they will install a gas/oil trap on a concrete pad with berm around it. Mr. Emerson asked if they have a written report from the State and Mr. Geary said No, but they can give the Board a log book of the disposal of the waste oil.
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Under **Town Manager Appointments** Mr. Lynch said he has appointed Robert LaPorte, currently an alternate, and Stephen Stowell, an architectural historian, to the **Historic District Commission.** He has received a letter of resignation from Perry Richardson, so we now have vacancies for 1 regular and 2 alternate members.

Under **New Business Mr. Ready** said that we want to **support the troops in the Persian Gulf** and asked anyone who knows of any Chelmsford resident serving in Operation Desert Storm to let us know their name and address and we will send a letter of support from the Town.

Mr. Blomgren commented on the budget process, saying that we need alternative solutions for trash and recycling, that we will have to alter our services on bulk and leaf collections, and that we should also look at collective bargaining. Mr. Lynch said he has suggested holding Work Sessions in February for policy,, etc. He is discussing the funding of recycling with the Solid Waste Advisory Committee, and the Board can discuss collective bargaining in Work Sessions in Executive Session. We have to look at consolidation of services, personnel, etc. and the time is right for consolidation with the School Department, even possibly facilities. It was announced that the School Committee wants to meet with the Board, Finance Committee and Town Manager next Tuesday.
Mr. Blomgren said that the memo about tonight's meeting sent out by Mr. Lynch was very helpful.

Ms. Towle asked that her registration for the Mass. Municipal conference be cancelled, since she is not running for another term.

At 10:00 pm motion by Mr. Ready, seconded by Mr. Emerson, unan. to adjourn the meeting.

For the Board of Selectmen, by

Judith E. Carter

Regular meeting of the Board of Selectmen held Monday, February 25, 1991. Members present were: Ms. Towle, Mr. Ready, Mr. Johnson, Mr. Emerson and Mr. Blomgren. Town Manager Bernard Lynch was also present.

The Board of Selectmen had sent invitations to the 8 candidates for the office of Board of Selectmen to attend the Open Session and briefly address the Board. Six out of the eight were present. Names were drawn in the following order by Chairman Towle, and each candidate was allowed to speak for 2 minutes: Peter Lawlor, Rose Sergi, William Logan, Barry Balan, Ronald Wetmore and Richard DeFreitas. Ms. Towle read a letter from Joseph Erbacher declining the invitation and no response was received from Matthew Whiting.
LWV President Phyllis Elias was present and invited all the candidates to attend Candidates Night on March 25th at 7:00 pm at the Senior Center.
Steve Abbott from the Chelmsford Businessmen's Association was also present and invited all candidates to attend the Businessmen's Candidates Night on March 12th at the Banqueteer, and he was told that this is also the night for the School Comm., FinComm and BOS to meet together.
At 7:15 pm the Board recessed until the start of the formal meeting at 7:30 pm.

Chairman Towle called the meeting to order at 7:30 pm.

Motion by Mr. Ready, seconded by Mr. Johnson, unan. to approve the minutes of the meetings of January 23rd (Regular and Executive Sessions) and February 4, 1991.

Mr. Ready reported that we are sending letters to 10 more servicemen from Chelmsford serving in Operation Desert Storm. He read their names and asked the public to let us know of any other Chelmsford servicemen serving in the Persian Gulf.

Ms. Towle reported that there was a Support Rally held on Saturday, initiated by the Merrimack Valley Vietnam Vets, who also have started an Operation Desert Support Center at the Old Town Hall. Ms. Towle read excerpts from a letter received from one of her nephews serving in the Gulf, and he said that letters are so important for morale.
Mr. Ready added that the servicemen's families really appreciate the Support Rallies.

Mr. Johnson reported that as a cost-saving measure some other Towns ask residents to clear the sidewalks in front of their own homes, and asked the Town Manager to find out the direct cost of sidewalk plowing.

Mr. Emerson then read a **Resolution** he had drafted requesting tht the Board adopt the policy of no pay raises for any Town Employee during FY92, and moved that the Board adopt the resolution, seconded by Mr. Johnson. He compared a recession with a depression and said that in this economy many people are not as concerned with getting raises as they are with keeping their jobs.
Mr. Ready asked what about contractual agreements and Mr. Emerson said he hopes the Town Manager can negotiate with each union. The resolution opposes any type of raise - union contracts, step raises, anything that is an increase in the rate of compensation. Mr. Ready said he can support it if it is an across the board situation. Mr. Emerson said if this is implemented across the board it would mean a savings well in excess of $1 million, and it is up to the Town Manager to implement it where he can. Mr. Johnson said we should take the same steps that businesses take, Ms. Towle said that even a pay cut is better than no pay check, and Mr. Emerson said that his resolution does not suggest pay cuts, just no raises.
The vote to adopt the resolution was unanimous.

No one was present for the **Public Hearing on Juliano's Pizza** application for a Common Victualer's license.

Mr. Emerson reported that the roadway on the railroad bridge on Princeton Street near The Mill is in bad shape and asked who is responsible for its upkeep. Mr. Ready said that the road was repaired after sewerage went in, but not the bridge. Mr. Emerson asked that it be investigated to determine who should repair it.

Mr. Blomgren asked that a letter be sent to Vincent Cicerchia regarding **parking in the streets around Vincenzo's and CIRO's** since it was a condition on their license that this not be allowed Ms. Towle said that she was there on a Saturday evening and they had a parking director. A letter will be sent reminding Mr. Cicerchia of the condition.

Ms. Towle asked the Town Manager to check on the flags in the Center to find out why they were not put out last Saturday for the Support Rally.

Under **Other Business**, motion by Mr. Ready, seconded by Mr. Johnson, unan. to **approve the posting of a 15 MPH speed limit on school property.**

Motion by Mr. Ready, seconded by Mr. Johnson, unan. to **approve a 1-day All Alcoholic license for St. John's Church.**

Chairman Towle read a **letter from Director of Public Health Richard Day,** who had been asked to attend the meeting. His report said that on the **Lowell Landfill** he will check with the Lowell Health Dept. and the Dept. of Environmental Protection. The attachment was not included in his report on **Frequency Sources.** Mr. Blomgren asked if property owners abutting the Lowell Landfill could ask for testing for methane gas, and Mr. Emersons said that Lowell is putting the burden of proof on the property owners. He added that the investigation is still going on and we will be hearing more about it.

The **Town Manager reported** that Laidlaw has submitted a new recycling proposal and they will now be taking all colored plastics. We will be getting this information out to the residents. Laidlaw haw also instituted a school recycling program, and want to expand the program in other areas.

Town Clerk Mary St. Hilaire was present to ask the Board to set the hours for the April Town Election. She said that State law says we have to open by 12 noon and stay open until 8:00 pm. She told the Board that there is a savings of $1500 by opening at 10:00 am instead of 7:00, and a savings of app. $400 per hour after that. She is recommending the polls be open from 12 noon to 8:00 pm, and noted that anyone can get an absentee ballot to vote prior to April 2nd.
Motion by Mr. Emerson, seconded by Mr. Ready, unan. to set the **polling hours on April 2nd from 12 noon - 8:00 pm.**

Under **Town Manager Appointments** Mr. Lynch asked the Board to review the list he has prepared, stating that he has examined attendance and checked with the chairman of each committee and has also asked each committee for their strengths and weaknesses. Mr. Ready said he feels that the Town Manager should appoint operating boards and the Board of Selectmen should appoint policy setting advisory boards. Mr. Johnson suggested that Mr. Ready and Mr. Lynch go over the list of appointments and determine who should appoint what committees.
Motion by Mr. Johnson, seconded by Mr. Ready, unan. that the Board approve the list of appointments as submitted by the Town Manager.
Ms. Towle asked Mr. Lynch about the flags in the Center and he said that he thought Mike Kinney was going to have them put up. He said that Mr. Kinney is also looking at the type of flags that are mounted on telephone poles.

At 8:05 pm motion by Mr. Ready, seconded by Mr. Johnson, unan. to adjourn.

For the Board of Selectmen, by

Idde E. Cook

Meeting of the Board of Selectmen held Monday, March 4, 1991. Members present were: Ms. Towle, Mr. Ready, Mr. Johnson, Mr. Emerson and Mr. Blomgren. Town Manager Bernard Lynch, Town Manager, was also present.

At 7:05 pm motion by Mr. Ready, seconded by Mr. Johnson, to **adjourn to Executive Session to discuss pending litigation.** Roll Call vote was as follows: Mr. Ready-Aye; Mr. Johnson-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Ms. Towle-Aye.

The Board **returned to Open Session** at 7:50 p.m.

Motion by Mr. Ready, seconded by Mr. Johnson, unan. to adopt the accounting practice for the Town Manager/Selectmen's Office of purchasing a stamp saying "For Deposit Only - Town of Chelmsford" to be stamped on the back of all checks received in the office and to purchase an account book to record the date, from whom, purpose and amount for all checks and cash received in the office.

At 7:55 pm motion by Mr. Ready, seconded by Mr. Johnson, unan. to adjourn.

For the Board of Selectmen, by
Judith E. Carter

Meeting of the Board of Selectmen held Tuesday, March 19, 1991 at 7:00 pm. **Members present** were: Ms. Towle, Mr. Emerson and Mr. Blomgren. Mr. Ready and Mr. Johnson were out of Town.

Motion by Mr. Emerson, seconded by Mr. Johnson, to **adjourn to Executive Session to discuss pending litigation.** Roll Call vote was as follows: Mr. Emerson-Aye; Mr. Blomgen-Aye; Ms. Towle-, Aye.

The Board **returned to Open Session** at 8:05 pm.

Motion by Mr. Emerson, seconded by Mr. Blomgren, to **adjourn to Executive Session to discuss the reputation, character, physical condition or mental health of an individual.** Roll Call vote was as follows: Mr. Emerson-Aye; Mr. Blomgren-Aye; Ms. Towle-Aye.

The Board **returned to Open Session** at 8:55 pm.

Motion by Mr. Blomgren that the Board will not approve reimbursement for lunches or parties, etc. and will establish an impressed account not to exceed $100.00, with any amount over $100 to be cashed in and receipts kept.

At 9:00 pm motion by Mr. Emerson, seconded by Mr. Blomgren, unan. to adjourn.

For the Board of Selectmen, by
Judith E. Carter

Regular meeting of the Board of Selectmen held Monday, March 11, 1991 at 7:00 p.m. at the Senior Center. Members present were: Ms. Towle, Mr. Ready, Mr. Johnson, Mr. Emerson and Mr. Blomgren. Town Manager Bernard Lynch was also present.

During the Open Session Attorney Joseph Shanahan was present to tell the Board about a "unique situation" - his client JDJS Inc. is selling their licenses to CAM Corp. This was approved by the Board on February 4th but the package is still at the ABCC. The contract to sell the license was contingent upon ABCC approval, and as he wrote to the Board on Feb. 27th selling without their approval would be violating the contract. CAM Corp. has asked for a transfer of the Common Victualer license and was told no, that they could apply on their own. On March 5th Mr. Shanahan sent a letter to CAM's attorney stating that the restaurant license could not be transferred without ABCC approval. He has learned that BumBleBee's had opened Thursday afternoon and was written up in the Lowell Sun on Saturday. JDJS did not tranfer it's license so they opened without a license. They have the right to apply for a new license but can't operate under a transferred license because no license has been transferred. Mr. Ready recommended referring the matter to the Building Inspector, and Mr. Shanahan said that his client has no part of this operation, that they have no license to serve food or liquor and don't have his client's license.

At 7:15 pm the Board recessed until 7:30 pm. Chairman Towle called the meeting to order at 7:30 pm.

Motion by Mr. Ready, seconded by Mr. Johnson, unan. to approve the minutes of February 25th and March 4th.

Motion by Mr. Ready, seconded by Mr. Johnson, unan. to proclaim the week of March 18th as Camp Fire Birthday Week. Members of Camp Fire were present to accept the proclamation.

At 7:35 pm the Board met with George Scarmeas who is requesting permission to store an unregistered vechicle on the premises at 15 Jensen Street. Mr. Scarmeas told the Board that he has a 1972 Porsche that he is trying to sell and wants to store the car on the property until it is sold. Motion by Mr. Johnson, seconded by Mr. Emerson for discussion, to amend the motion to state that permission is granted for one year only. Motion passed unanimously.

Under New Business Mr. Emerson suggested that the Town of Chelmsford designate July 4, 1991 as official Welcome Home Day to welcome home troops from the Persian Gulf. Motion by Mr. Emerson, seconded by Mr. Ready, unan. to have Welcome Home as the official theme of this year's Fourth of July Celebration.

At 7:40 pm Attorney James Geary met with the Board requesting a transfer of a Common Victualer license at 257 Littleton Road. Atty. Geary represented the Vrouhas family and said that they have been there for 16 years and have recently renovated the restaurant. They will have the same type of menu as P J's Kitchen, whose owner vacated the premises and broke his lease so he cannot participate in the transfer. Hours are 6 am - 9 pm seven days a week. Mr. Ready said he would rather issue a new license for the One Ten Restaurant and moved to do so, seconded by Mr. Johnson. He then said he would consider a temporary license for 60 days and advertise for a Public Hearing, seconded by Mr. Johnson, unan.

The Town Manager said that he has appointed Dr. Paul Canniff, 8 Westford Street, and Bruce Foucar, 8 Bentley Lane, as alternates to the Historic District Commission. Motion by Mr. Ready, seconded by Mr. Johnson, unan. to approve these appointments.

Mr. Ready then referred to the meeting with Atty. Shanahan during the Open Session. He moved, seconded by Mr. Johnson, to grant BumBleBee's a temporary Common Victualer license for 60 days, or until the transfer is approved by the ABCC. Vote was 3 in favor, 2 opposed (Ms. Towle and Mr. Blomgren, who felt it would be precedent setting). Mr. Ready said he assumed the Common Victualer license transfer was approved by the Board when they approved the transfer of the All Alcoholic Common Victualer license. Mr. Johnson said he concurs with Mr. Ready and said that CAM Corp. knows they can't serve liquor until they receive ABCC approval. Mr. Emerson said he also assumed that the Common Victualer license was transferred. The Board stated that there were ambiguities on both sides.

AT 7:50 pm Edward Casey, Jr. was present with a petition to replace Deborah Peachey as Food and Beverages Manager at The Courthouse. Mr. Casey has had 16 years experience in the business, and the operation will be basically the same, with the same hours, etc. His reponsibilities will include hiring and firing of employees, costing of food and beverages, etc. Motion by Mr. Ready, seconded by Mr. Johnson, unan. to approve the change in manager.

Under New Business, Mr. Ready asked that the CHS Boys Swim Team be invited to attend the next meeting to receive Certificates of Appreciation for coming in second in the State finals.

Motion by Mr. Ready, seconded by Mr. Johnson, unan. that all expense monies charged to the HUD account in the future be reviewed by Town Counsel due to the subpoenaing of records and while the FBI investigation is ongoing. Mr. Johnson said he questions the necessity but seconded the motion.

Town Manager Lynch then passed out 2 budget books to each BOS member, department heads and members of the audience and press. He went over the budget narrative in detail, noting changes in each department budget.

Finance Director James Doukszewicz was present and explained the health insurance policy, stating that 65% of the total number of eligible Town employees take advantage of joining a health insurance plan through the Town.

Mr Blomgren said he wants copies of any documents that allowed the motor vehicle insurance policy to be paid twice, and also asked for a worksheet showing the typical homeowner's property tax.

Re-evaluation and Classification were discussed, and it was noted that re-val will show on the February 92 tax bill, and indicate the fair market value as of January 1, 1991.

Under New Business Mr. Ready read the names of 4 more Chelmsford servicemen serving in Operation Desert Storm, stating that the Board will send a letter of encouragement to each of them.

Mr. Ready said he wants to channel energy in a positive manner and do something at the grass roots level. He stated that Chelmsford has a good location as far as business goes, and asked what can we do to attract more tenants to vacant areas. He recommended forming a Chelmsford Coalition for Progress and invite business and industry leaders to help stimulate the economy. Mr. Emerson said he is pessimistic as to what they could accomplish. Mr. Ready said again he wants something to stimulate positive energy, and Mr. Johnson suggested inviting leaders of the Chelmsford Business Association to a future meeting of the Board.

Mr. Blomgren asked Mr. Lynch for a summary of budget proposals indicating changes, etc.

At 9:15 pm motion by Mr. Ready, seconded by Mr. Johnson, unan. to adjourn.

For the Board of Selectmen, by

Judith E. Cantara

Regular meeting of the Board of Selectmen held Tuesday, March 26, 1991. Members present were: Ms. Towle, Mr. Ready, Mr. Johnson, Mr. Emerson and Mr. Blomgren. Town Manager Bernard Lynch was also present.

During the Open Session Dorothy Crear, owner of Innovations Hair Salon at Drum Hill, met with the Board and said she would like to open on Sundays but when she called the State House she was told that it is up to the discretion of the Police Chief. The Chief told her that a business couldn't open as a service without a permit but retail establishments can open. The Police Chief follows strict rules when issuing a permit. Ms. Crear said that her shop is situated on the border with competition from New Hampshire and Lowell, where shops are open on Sundays.
Motion by Mr Ready that we explore this as a policy with the Chief. Mr. Emerson asked if the Chief denied her permit and he told her he never issues permits. She can't afford to lose that 5% on Sundays. Mr. Lynch said he will send a memo to the Chief tomorrow asking for his criteria and stating that the Board wants to encourage business. Mr. Blomgren said that we could ask the Police Chief to let her open this Sunday, as a test case and ask if this stimulates enterprise. Mr. Emerson said that this is not an emergency situation and we don't need to take shortcuts. Mr. Blomgren said he wants to use this as a test case, and Mr. Johnson said we should ask the Chief to expedite this.

George Simonian and Bob Gagnon were present representing the CHS Alumni Association. They said that the Association has over 1100 members and are going to initiate an Alumni Association Hall of Fame, with a ceremony at the Radisson in April. Mr. Simonian read the names of those being inducted at this first ceremony and said that they want to perpetuate it for years to come. Mr. Gagnon said that the Hall of Fame is for any alumnus, not just athletes, who have found fame either in or out of school. Mr. Simonian said they want the Board's support and asked them to buy tickets and attend the ceremony.

At 7:15 pm the Board met with Moderator Dennis McHugh and the School Committee to appoint the Town's rep. to the Nashoba Valley Technical School District Committee. Ms. Towle nominated Stratos Dukakis, the incumbent, seconded by Wendy Marcks. All BOS members voted Aye, as did School Committee members W. Marcks, B. Ward, J. Mallette , C. Olsson and M. Franz. Mr. McHugh then turned the Chair back to Chairman Towle.

At 7:20 pm the Board met with Town Accountant Lorraine Leone. Mr. Blomgren had asked for the meeting and said that articles in the newspapers have raised issues about the Accounting Department although he knows that most of the items referred to happened before Ms. Leone took over as Town Accountant last October. Mr. Blomgren handed out three schedules - Schedule 1 being Suggested Improvements. He went over this list with Ms. Leone, reading her Job Description dated 1981, and she agreed that this could use updating. Items 10 and 11 (reimbursement of personal expenditures and quarterly listing of all accounts reveivable) were questioned, and Mr. Ready said he would like to add one item - to improve the computer system. He had said on Cable TV that the system was antiquated, and he meant the computer system, not the accounting system, and he asked her to suggest software and hardware systems that she would recommend.
Motion by Mr. Blomgren, seconded by Mr. Ready, unan. that we accept the list of suggested improvements as amended and ask Ms. Leone to come back in a month.

Motion Mr. Ready, seconded by Mr. Johnson, unan. that we send a letter to the Police Chief telling him that the Board is concerned about the competetiveness of not issuing licenses to service businesses on Sunday afternoons and asking him to work with the Town Manager on developing a policy on how to handle this.
Mr. Blomgren recommended that Innovations be allowed to operate on a trial basis and ask Ms. Crear to report back on the impact on her business.

At 7:30 pm members of the CHS Boys' Swim Team were present to receive Certificates of Appreciation. Coach Al Thomas read the names of the boys and said that the Team was second in the State finals after Acton-Boxboro and are Merrimack Valley Champions. He mentioned that 4 boys are not present tonight because they are at the Junior Olympics in Buffalo, New York. Coach Thomas thanked the Town for their continued support.

Motion by Mr. Ready, seconded by Mr. Johnson, unan. to approve the minutes of the March 19th Executive Session.

Ms. Towle then said that she would like to make some closing comments at the end of her 12 years in office. The past few months in Chelmsford have been hard to understand and she doesn't like nameless allegations. On Cable 6 tonight the document she produced was a payment of bail form for Jack McDermott, paid by Rose Sergi. Ms. Towle said that public officials must be of high moral character and that Mr. McDermott was a purported underworld figure murdered by another alleged underworld figure. Since integrity is a key component of a public official, the voters should know as much about any person who seeks to hold this position as is available.

Mr. Emerson said he believes that James McBride should be removed as an appointed member of the Conservation Commission, stating that he is a menace to the credibility of the Town of Chelmsford government and that he has had many possible conflicts of interest. He further said that never before has an appointed official brought so much turmoil to the Town and he moves that the Board advise the Town Manager to persue all legal means available to cause the removal of James McBride from the Chelmsford Conservation Commission.
Mr. Ready said he does not feel this is within the Board's legal perview, and Mr. Blomgren said he thinks it is up to the Board to counsel the Town Manager and that with pending litigation against the Town Manager he feels we should get the advice of Counsel.
Mr. Johnson said let's keep the motion but amend it subject to review by counsel. Mr. Emerson said that since Town Counsel has withdrawn from this case we will have to appoint independent counsel, and he will change the word "instruct" to "advise". Mr. Ready said that we can't make assumptions that Mr. McBride is ivolved in the investigation, that it is all supposition and a game at this point.
Mr. Johnson seconded Mr. Emerson's motion to advise the Town Manager to have him removed. Vote was 3 in favor, 2 opposed (Mr. Ready and Mr. Blomgren).

Mr. Johnson then passed out copies and read a motion asking the Board to take a stand on their confidence in Bernie Lynch as Town Manager. He said that the charges against him are nothing short of character assasination and the Town has existed for 336 years without negative politicking and we shouldn't begin now. Mr. Lynch is a professional in his field and we should take a stand because this is the last meeting where the 5 BOS members who appointed Mr. Lynch as Town Manager will be sitting members. Mr. Ready seconded the motion for discussion, stating that he concurs with Mr. Johnson's motion, and Mr. Emerson said that Mr. Lynch is the best Town Manager he knows.
Mr. Blomgren said he takes exception, that he feels the motion is premature, and that all Board members have expressed support for him both publicly and privately. Mr. Ready said he wants to be able to have honest, open discussion on the budget without being construed as attacking the manager. Mr. Johnson said we are putting an undue burden on the two new members to be elected and we should make a stand tonight. Mr. Blomgren said that he doesn't think the motion is needed now.
Vote on Mr. Johnson's motion was 4 in favor, 1 opposed (Mr. Blomgren).

A **Public Hearing was held on the application of Juliano's Pizza, 67 Middlesex Street, for a Common Victualer license.** Philip Arnone was present and told the Board that they have been in business for a couple of months selling pizzas, and they deliver within a 3 - 4 mile radius. His brother-in-law and partner have 3 - 5 years experience in the business. The hours requested are 11 am - 10 pm Monday thru Thursday, 11 am - 11 pm Friday and Saturday and 12 noon - 10 pm Sundays. No one present spoke in favor of or opposition to this application.
Motion by Mr. Ready, seconded by Mr. Johnson, unan. to approve.

Attorney James Geary was present for a Public Hearing on the application of the Vrouhas' family's One Ten Restaurant, 257 Littleton Road for a Common Victualer's license. He presented the return receipts and stated that the floor plan and details of the operation were presented at the last meeting. No one present spoke in favor of or opposition to this application.
Motion by Mr. Ready, seconded by Mr. Johnson, unan. to approve.
Attorney Geary said he wanted to commend Ms. Towle and Mr. Emerson for their years of service to the Community.

A **Public Hearing was held on the application of Dianna Rasimowicz, Manager of Village Square Convenience Store, for a Common Victualer's license.** They only make coffee on the premises, and do not prepare sandwiches or food at this time. No one present spoke in favor of or in opposition to this application.
Motion by Mr. Ready, seconded by Mr. Johnson, unan. to approve this license.

Under **Reports, Mr. Ready** presented a plaque to outoing Chairman Towle, noting that this is not a new plaque but one she had received for her first term as Chairman and in the interests of economy, she had asked to have it engraved with the new dates. Mr. Ready said that he has sat with Ms. Towle for 11 of her 12 years on the Board and that she has been an outstanding Selectman. He also presented her with a key to the Town.
Mr. Ready then stated that Mr. Emerson is also not running for re-election, after serving 8 years on the Board, and also presented him with a key and thanked him for his service.

Barbara Scavezze then updated the Board with **the Solid Waste Committee's recommendations on the recycling program.** She said the Committee is recommending the following:1. that an override for recycling be placed on the ballot: $186,000 for curbside and $23,500 for leaf collection; 2. that multi-family complexes be included in the program; and 3. that we start a mini- service drop-off point. The drop-off point would include: metal items, white goods, corrugated cardboard, hi-grade office paper, tires at a small fee, a "take it or leave it" area and an area for small reusable items. Costs would involve a roof on the "take it or leave it" area, a 4-hour per week part-time employee and

fencing the capped area at the landfill. If we had an expanded drop-off area we would need dumpsters and have to pay handling charges. The Committee would like to continue curbside leaf collection since dumpoing of leaves will be banned by the State at the end of the year unless they are composted. If the override doesn't pass they recommend that recycling be included in the reduced services budget, to be paid from offset receipts collected through a recycling user fee.
The Committee has an article on the warrant to make recycling mandatory, which helps the Town in receiving State grants and is also important for market development of recyclables. The State will be banning the disposal of glass, tin and aluminum in Dec. 1992 and plastics in 1994. Mr. Ready asked if the alternative budget is approved is recycling included and Mr. Lynch said it will be $203,000 more than the balanced budget. The Board said they are asking for funds in the balanced budget and Mr. Lynch said he will increase the balanced budget to include recycling. Ms. Scavezze said she talked with the Division of Local Mandates, but Mr. Ready said if we vote it mandated we will have to pay for it, but if the State mandates it under Prop. 2 1/2 they will have to fund it. Mr. Lynch will follow up on the State mandated program.
Motion by Mr. Ready, seconded by Mr. Johnson, unan. that the Board support the recomended policy of the SWAC and ask the Town Manager to increase the line item for recycling self-funding.
Mr. Emerson said that he had not met Barbara Scavezze until a couple of years ago but he finds her the most hard-working conscientious person he has ever met, and wants to thank her on behalf of the Board and the Town.

Ms. Scavezze then said that there are 2 parts to the mandatory recycling by-law: the second part say that any private contractor must be able to recycle, or have to pay a fee to the Town for each household on his route to be able to recycle. There will be a user fee with mandatory recycling, but one bill will be sent for both trash and recycling.

She said that on leaf collections, if the override fails, we will reduce the curbside collection to 1 per year and have 2 drop-off dates. We definitely weant to keep Laughton's as a source to take leaves to.

On bulk collections we will elminate the quarterly collection. We are now picking up 35% less trash, and are picking up 85% of the households in Town. Yard waste is down so there are not the seasonal variations, and there is also more use of compactors and composting. In the bulk waste they are going to ask BFI if it would be possible to take one item per week, but if not have only 2 collections, spring and fall. They will have to raise the tag price to pay the true cost to app. $25.00 per tag.

Mr. Ready said that the Committee has done an outstanding job.

Under **Other Business**, the vote to release Executive Session minutes will be held until an Executive Session discussion.

Policy re Alcohol on Public Property: Mr. Lynch drafted a policy and asked for a legal review. He read the opinion from Town Counsel. Mr. Blomgren said that he is opposed - that we are opening a new area of exposure that is not needed, and the Town is left at great risk. Mr. Johnson said it is not great risk, but if persons were killed and alcohol was involved the Town would be sued even with indemnification. He feels this is best left to banquet facilities. Mr. Emerson said isn't the intent of the policy to close loopholes? and Mr. Johnson said we can tighten up the loopholes but the liability won't go away, and if we have no policy we're just saying No.
Motion by Mr. Ready, seconded by Mr. Johnson, unan. to establish a policy to be written that no licenses be granted to sell alcohol on Town property in view of the liability.

Under **Reports, Mr. Ready** said that at the Roast for Mr. Emerson the newspapers picked up a story and named Ann Lloyd as the person involved. Mr. Ready wants it clarified that Ms. Lloyd came to many Board of Selectmen's meetings in the new Town Hall, and the Board gave her a plaque and key to the Town when she sold Jack's Diner.

Mr. Ready named two additional Chelmsford servicemen seving in Desert Storm, and we will send them letters from the Board.

Ms. Towle commented that there was a rally in Town Saturday to welcome home the Whitney boys, and that it was very moving and well attended.

Mr. Johnson said that it has been a pleasure to serve on the Board with Ms. Towle and Mr. Emerson, and he hopes that their replacements will have the same type of professionalism.

Mr. Emerson read one last statement about the Lowell Landfill, stating that it is apparent that the City of Lowell is planning to expand it and that Sen. Hicks and Rep. Cleven are demanding an explanation as to why an enforcement order against the operation was not acted upon. He is asking the Board to keep after the DEP and tdhat their goal should be the closure of the Landfill. He suggested that the Board appoint a sub-committee to monitor this project when they reorganize.

Mr. Emerson also said that the Board should discuss appointing a Special Counsel to fill the areas where Mr. Harrington has withdrawn and said he would suggest Attorney Philip Nyman. He doesn't expect a lot of litigation but we should be prepared. It was suggesteed that the Board could meet with him to set an hourly fee.
Mr. Ready said we could appoint him at the rate our current Town Counsel is receiving. Motion by Mr. Ready, seconded by Mr. Johnson, unan. to appoint Mr. Nyman at our Town Counsel's rate. Ms. Towle will check with him tomorrow to see if this is agreeable to him.

Mr. Blomgren said he wishes Ms. Towle and Mr. Emerson the best of luck in their retirement from the Board and said he thinks they both made gutsy moves tonight.

Mr. Lynch said he wants to thank the Board and the public for the vote of confidence tonight, and also wanted to thank Ms. Towle and Mr. Emerson for their help over the years.

At 8:55 pm motion by Mr. Ready, seconded by Mr. Johnson, unan. to **adjourn to Executive Session to discuss collective bargaining and pending litigation.**

At 9:05 pm the Board returned to Open Session, Motion by Mr. Ready, seconded by Mr. Johnson, unan. to **release the minutes in question, July 2, 1990**, to the press and any other interested parties, and to file them with the Town Clerk.

At 9:06 pm motion by Mr. Ready, seconded by Mr. Johnson, unan. to adjourn.

For the Board of Selectmen, by
Julie E. Carter

Reorganization meeting of the Board of Selectmen held Thursday, April 4, 1991 at 7:30 p.m. Members present were: Dennis J. Ready, Henrick R. Johnson, Jr., Roger A. Blomgren, William R. Logan and Richard E. DeFreitas. Town Manager Bernard Lynch was also present.

The Board congratulated Mr. Logan and Mr. DeFreitas on their elections as Selectmen. The Board then re-organized for the coming year. Vice Chairman Ready asked for nominations for Chairman. Motion by Mr. Johnson, seconded by Mr. Logan, unan, to elect Mr. Ready as Chairman.
Motion by Mr. Johnson, seconded by Mr. DeFreitas, unan. to elect Mr. Logan as Vice Chairman.
Nomination by Mr. Johnson, seconded by Mr. Blomgren, unan. to elect Mr. DeFreitas as Clerk.

At 7:40 p.m. motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to adjourn.

For the Board of Selectmen, by

Julie E. Carter

Work Session of the Board of Selectmen held Monday, April 8, 1991 at 7:00 p.m. Members present were: Mr. Ready, Mr. Logan, Mr. DeFreitas and Mr. Johnson. Mr. Blomgren was out of Town on business. Town Manager Bernard Lynch was also present.

The Town Manager presented his budget and the Board discussed it at length.

Re-organization in the Board of Health was discussed by the Board, and at 8:00 p.m. the Board met with members of the Board of Health for further discussion. Mr. DeFreitas was appointed a sub-committee of one, and the Board asked him and the Twon Manager to again sit down with the Board of Health to try to reach an agreement.

The Board also discussed the questionnaire on types of overrides to be given to Town Meeting reps to be completed before Town Meeting.

The Work Session ended at 10:00 p.m.

For the Board of Selectmen, by

Sudie E. Cook

Regular meeting of the Board of Selectmen held Monday, April 22, 1991. Members present were: Mr. Ready, Mr. Logan, Mr. DeFreitas, Mr. Johnson and Mr. Blomgren. Town Manager Bernard Lynch was also present.

During the Open Session of the meeting William Dalton, President of the Firefighters Union, addressed the Board on behalf of all the unions. He read a letter signed by all the union presidents asking for an explanation from the Board as to why Town Manager Lynch's health insurance is being paid 100% by the Town when all other employees are only having 60% of their premiums paid by the Town. The unions feel that Mr. Lynch should reimburse the Town for any payment in excess of 60% retroactive to July 1, 1990, and that the Board of Selectmen should treat all employees equally. Mr. Dalton had spoken with the House Services Committee and was told that it is not CH 41N that is applicable but CH 32B.

Mr. Dalton added that in November, 1989 he requested Mr. Lynch to provide him with a copy of the new contract which he still does not have, and said that other unions haven't recieved copies of their signed completed contacts, either.

He then addresed the matter of the request for a wage freeze, stating that they have had two meetings with Mr. Lynch, that at the first meeting he had no input and only asked for union proposals. At the second meeting he had the information that they had asked for at the last meeting. The Fire union wants a written proposal from the Town, and they will not be able to have a meeting before April 29th.

Mr. Lynch said that the Town has a long history of working off Memos of Agreement and that there was a new fire contract in 1986.

Chairman Ready then explained the Open Session part of the meeting to the student Selectmen who were present: Karen Ready, Aaron Bates and Eric Pearson, and student Town Manager Erin Ready.

Mr. Ready called the meeting to order at 7:30 p.m.

Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to proclaim April 25, 1991 as Youth Government Day in the Town of Chelmsford. The students present then introduced themselves to the Board and the television audience.
Karen Ready then read a proclamation from the students proclaiming Thursday as Drug Awareness Day and presented each Board member with an armband to wear for the week.

Mr. Ready said that there have been two deaths recently: Selectman Logan's mother and Bill Edge, long time Town committee member and employee. He asked for a moment of silence.

Motion by by Mr. Johnson, seconded by Mr. Blomgren, to approve the minutes of March 11 and March 26, 1991. Vote was 3 in favor, 2 abstentions (Mr. Logan and Mr. DeFreitas, because they were not members of the Board at that time).

Mr. Ready welcomed the two new members to the Board, saying that they have both hit the ground running, he feels this will be a good active Board and they will be working together for opportunities.

George Gagan, New England Telephone Company, was present with a petition for placing 50 feet of underground conduit to provide new service at 108 Middlesex Street. There were no questions from the Board or the audience. Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve.
Mr. Gagan then asked the Board to approve Brook Street as a formerly private way made public. There is no work to be done and the street was accepted by Town Meeting in 1989. Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve.

Under Reports Mr. Ready reported that on the first Monday after the election the Board held a Work Session and met with the Board of Health. They met with the Town Meeting reps last week and Bernie Lynch presented his budget and did an excellent job. The reps were polled for their feelings on an override and the results were: 25% - No; 61% - menu type; and 14% - single question.

At 7:45 p.m. Attorney James Geary addressed the Board, stating that he is representing CAM Corp. d/b/a BumBleBee's

Selectman Logan said that he has contacted the State Ethics Commission and on their advice he will remove himself from all public hearings involving alcohol, now and in the future, as long as he is general manager of the Courthouse, since they have an All Alcoholic Common Victualer license.

Mr. Geary said his client is applying for a Common Victualer license, since they are presently operating under a temporary license that expires May 11th. There is also a pending transfer of the All Alcoholic license from JDJS to CAM Corp. The former owner closed the establishment at the end of January due to financial problems and the Board approved the transfer of the liquor license on February 4, 1991. The Commonwealth has put a Hold on the transfer with the ABCC until the taxes due are paid. He said that tonight they are only asking for the Common Victualer license. There has been an undue delay with the liquor

license of about 3 months, and he is requesting the Board to do the following; that on May 6 they post a notice and hold a Public Hearing to revoke the old JDJS license, rescind the February 4 license transfer and vote a new All Alcoholic license for CAM Corp. If the state Hold is released prior to May 6, the matter can be dismissed. Mr. Geary then went over the physical description of the premises and said that they are requesting hours of 6 am - 11 pm seven days per week. He stated they are asking only to have the hearing set up, that there is no change from the license voted February 4th.

When Mr. Ready asked if anyone present wished to speak in favor of or opposition to this application, Attorney Joseph B. Shanahan, Jr. asked to speak, stating that he is representing the previous proprietor, JDJS Inc. He gave a brief history of events: his client was sued for back rent payments and also agreed to turn over to Alpine Realty Trust all equipment, etc. The hardship on Mr. Geary's client was due to undue delay - the agreement was signed on September 28; on January 9, 15, 18 and 22 he wrote to CAM's attorney to fill out the liquor license application. A hearing on the transfer was held on January 22 and approval was granted by the Board on February 4 for the transfer of the All Alcoholic Restaurant license. On March 13 phone calls were made to the ABCC and it was learned that a final tax return has to be filed with the Dept. of Revenue when a corporation is dissolved. CAM Corp. opened in late February without a license, and and the temporary Common Victualer license was issued only because he and the SooHoos asked that it be. He suggested that the temporary license be extended because if you grant a new CV license it puts a pall over the transfer of the liquor license. Mr. SooHoo has $20,000 in escrow pending the transfer of the license and if a new license is issued, the escrow might not be paid. JDJS paid the full annual license fee to maintain the All Alcoholic license at that location. There can be only one license at that location and he asked the Board not to take away JDJS's proprietary interest in the license. He said that you have to have a Common Victualer license to obtain an All Alcoholic Restaurant license and his client has 3 weeks to get the matter resolved.

Atty. Geary asked for a brief rebuttal, stating that a proprietary interest means interet in ownership and one doesn't exist with JDJS but with CAM Corp. He said that a Common Victualer license doesn't have any effect on an alcoholic license.

Mr. Ready said it was never the Board's intent to do anything to hurt the original licensee financially, and if they get a new license, could Mr. Geary's clients not go through with the escrow money.

Mr. Johnson said he wants to go forward with the hearing on May 6 and wants to see that this restaurant not be allowed to serve alcohol prior to a hearing. He moved that we advertise for Public Hearing on May 6.

Mr. Geary said that he is here because this is an advertised Public Hearing for a Common Victualer license and if the Board feels it is appropriate to extend the temporary license it is fine with him.
Mr. Ready then closed the Public Hearing.
Motion by Mr. Johnson, seconded by Mr. DeFreitas, unan. to post a meeting for May 6 at 6:30 pm in Room 204, Town Offices, publish Mr. Geary's notice re the All Alcohlic license for JDJS and CAM Corp. and Table tonight's hearing.
Mr. Blomgren said he is concerned that the Board is being put in a position of judging, and asked the Town Manager to brief Town Counsel before the notice is published. The Chairman said he will do this and added that he wants the Board to take more of a role in liquor licenses.

A **Public Hearing was then held on the application of Lisha Furtado for a new Common Victualer's license at Jack's Diner.** She is purchasing the diner and will ask for the transfer of the Wine and Malt Beverages license at a later date. She will not serve alcohol until the transfer is approved. She is planning no change in the operation except hours - she wants 6 am - 10 pm. The Board has not received a letter of intent from the Mansurs and asked for that. Mr. Blomgren said he wants a completed punch list for each application from now on, and Mr. Ready asked that a policy and procedures manual be ready for review by May 20th.
Mark Kitner, Merit Associates, said that the sellers won't release the alcoholic or Common Victualer licenses until the financing is guaranteed.
Motion by Mr., DeFreitas, seconded by Mr. Johnson, unan. to grant a Common Victualer license at Jack's Diner for Lisha Ann Furtado subject to receipt of a letter from the owners of the property that they are aware of this transfer.
The hearing closed at 8:30 pm. No one present wished to speak in favor of or opposition to this license.

Thomas Gonsalves was scheduled on the agenda to discuss the **transfer of River's Edge Motors Class II Auto Dealer's license to Williamsburg Motors.** Mr. Gonsalves was not present and Mr. Johnson said this was strictly a name change. Mr. Blomgren said he wants him to come into the May 6th meeting and Mr. DeFreitas said the application is not filled out properly, that it says individual, not corporation.
Motion by Mr. Johnson, seconded by Mr. DeFreitas, to approve the change in name subject to Mr. Gonsalves getting in touch with the Chairman re the discrepancies in the application. Vote was 4 in favor, 1 opposed (Mr. Blomgren).

Town Engineer James Pearson was present to discuss street aceptances. Letters were received from him and the Planning Board.
1. Nashoba Drive - 1800 foot street off Robin Hill Road, with the Planning Board still holding a bond of app. $75,000. Mr. Pearson read over the punch list and recommended accepting the street subject to the bond and release by the Planning Board when completed. There will be no cost to the Town except the annual maintenance expense, and the one resident present was in agreement with the acceptance.
Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to accept Nashoba Drive with the stipulation that all punch list items be completed before the bond is released.

2. Sarah Lane - Mr. Pearson read over the punch list. Michael Shyjan, Lot #3, said he wants the surfaces near the drainage pond smoothed out so he can mow and graded, loamed and seeded in a workman like manner. James Buliszak, 3 Sarah Lane, wants acceptance.
Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve the acceptance of Sarah Lane and hold the $10,000 bond until the punch list is completed.

3. Virginia Lane - a 370 foot street off Sarah Lane, with 3 building lots all in Chelmsford. There is a bond of $8,000 and Mr. Pearson went over the punch list.
Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve acceptance, subject to completion of the punch list and release of the Planning Board bond.

The students left the meeting at 8:50 p.m.

Under Reports, Mr. DeFreitas reported that as a Board of Health Sub-committee of one he met with Mr. Lynch, Board of Health and their employees last week, and they are trying to resolve a new proposal. The Board's concerns are with autonomy, appropriations, shared space, shared clerical help and the loca tion of the Town Nurse. There is agreement on the autonomy of the Board of Health and shared space and help, and the Town Manager will come back with recommendations on appropriations and moving the Town Nurse.

Mr. Johnson reported that when Village Square Convenience Store applied for their Common Victualer license they said they were only serving coffee and they now have a full menu.
Motion by Mr. Johnson, seconded by Mr. Blomgren, unan. to send them a letter asking them to explain this situation to the Board.

Mr. Johnson reported that the Town Accountant has resigned after being on the job for 7 months. The vote to appoint her was 3 - 2, and he wants to contact 2nd place applicant Bernard Myler. He

also noted that the Town of Wakefield pays their Assistant Town Acountant $5,000 more than we pay our Accountant. Mr. Logan said he would like to see candidates #2 and 3, and Mr. DeFreitas said if we have already advertised we should look at all the resumes. Mr. Ready said he would have the Board review all the resumes and set up interviews. He will contact the #3 applicant.

Mr. Blomgren reported that C.A.D.A.C. wants some time prior to the April 29 Town Meeting to recognize some students.

The **Town Manager reported under Contract Awards** that the contract for **street sweeping** has been awarded to Cole Contracting, the low bidder; **insurance** - we received two proposals, Betterley Risk for $7500 - $8000, and Kevin Donohue for $6200. The bid was awarded to him. He will review all our insurance needs and put together a package to go out for bid and contracts will be awarded by June 30th.

Under **New Business Mr. Ready** presented his **proposed policy on presenting new policies:** there will be a policy item on the agenda to introduce a new policy, vote on already presented policy and periodic review of existing policies. He stepped down from the chair to move that the Board adopt his proposed policy, seconded by Mr. DeFreitas, unan. Mr. Blomgren asked how do we distinguish policy, procedure and practice.

Mr. Ready said that we have **received a letter re the Town Manager's proposal to change the Veterans' Agent position from full-time to part-time and is this legal.** He wants an opinion from Town Counsel. Mr. Lynch said he told the Board about this last summer, that he is slowly changing things so the Veterans' Agent will become the Council on Aging Director. He gave examples of sharing responsibilities in other communities, and said if it is legal there it must be here.
Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to remand this matter to Town Counsel with an answer directed to the Chairman of the Board.

Mr. Ready asked the Board to support budgeting a 5% reduction in Selectmen's stipends, to go along with Mr. Lynch's 5% pay cut. Mr. Johnson said he will give back his entire stipend, that it is only symbolic and other Boards are not compensated. Mr. Ready noted that Selectmen have tremendous out-of-pocket expenses and Mr. Blomgren said that last year they gave up 17% in their $25. per month expense allowances. Mr. Johnson and Mr. DeFreitas both said they will support the 5% cut but will donate their full stipends back to the Town. Mr. Logan said he will abstain and not accept his stipend.
Motion by Mr. Blomgren, seconded by Mr. DeFreitas, unan. to give back 5% of the stipend. Vote was 4 in favor, 1 abstention (Mr. Logan).

Mr. Ready said that there are 10 - 12 appointed and elected officials receiving stipends who participate in the Town's Blue Cross/Blue Shield program, with the Town paying 60% of the premiums at a cost of app. $25,000 per year. He wants to send a letter fom the Board to these persons asking them to either agree to pay 100% of the cost themselves or withdraw from the program.

Mr. Logan said he will present his economic development plan at the next meeting. He also wants to thank all in their expressions of sympathy on the loss of his mother.

Mr. DeFreitas said he wants to work with the Town Manager re cuts for supervisory personnel, noting that on February 25th the Board voted a wage freeze through FY92. He can't support any override that includes any kind of salary increase and also will not support the difference between a balanced budget and an alternative budget if salary increases are included.

Mr. Blomgren wanted Mr. Ready to write to Lory Leone asking for an explanation of the **$90,000 overpayment of an auto insurance premium** and wants to know the practice used to clear and pay bills.
He asked about the **revenue from street opening permits**, and Mr. Lynch said that we charge $3.00 per foot for all except emergency services. Mr. Blomgren wants to know how much money is being recovered.
He said we need to talk **policy re recycling.** Mr. Ready said that Barbara Scavezze reported to the Town Meeting reps and did a straw poll which showed that 90% want curbside recycling rather than a drop-off point. He expects the SWAC to report to the Board.

The Board asked that checking on back taxes be added to the punch list for any public hearing or application for licenses.

Mr. Blomgren said that Mr. Lynch should repond to James McBride's letter of April 9th if he has not already done so.

Motion by Mr. Blomgren, seconded by Mr. DeFreitas, unan. to **eliminate scheduling times on the agenda except for Public Hearings.**

Motion by Mr. Blomgren, seconded by Mr. Johnson, unan. to **dedicate a page in the minutes in memory** of Bill Edge.

Mr. Ready said he will draft a letter for the Board's review on the first section of the union letter, which he will run by counsel. He added that we need an **Executive Session tonight** to discuss the other requests from the union.

Mr. DeFreitas said that we need to appoint an interim Town Accountant. Mr. Ready said we have an option - to ask the Assistant Town Accountant to fill in. Mr. Johnson stated that she did an excellent job last time, and he feels she could do a very capable job.
Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to name the Assistant Town Accountant Mary Villare as Acting Town Accountant and pay her at the current Town Accountant's rate.

William Dalton spoke from the audience, saying it bothers him the way the Board is going about appointing an Accountant.

At 9:55 p.m. motion by Mr. Logan, seconded by Mr. DeFreitas, to adjourn to Executive Session to discuss collective bargaining. Roll Call vote was as follows: Mr. Logan-Aye; Mr. DeFreitas-Aye; Mr. Johnson-Aye; Mr. Blomgren-Aye; Mr. Ready-Aye. Mr. Ready announced that they will not be returning to Open Session and there will be no announcements.

For the Board of Selectmen, by

Judith E. Carter

IN MEMORIAM

WILLIAM "BILL" EDGE

April, 1911 - April, 1991

Civil Defense

Finance Commitee - 1948

Park Department - 1946

Superintendent of Public Buildings - 1980

This page is dedicated to the memory of Bill Edge by a unanimous vote of the Board of Selectmen on April 22, 1991.

Meeting of the Board of Selectmen held Monday, May 6, 1991 at 6:30 pm in the Town Offices. Members present were: Mr. Ready, Mr. Logan, Mr. DeFreitaa, Mr. Johnson and Mr. Blomgren. Town Manager Bernard Lynch was also present.

Chairman Ready called the meeting to order at 6:30 p.m. and noted that the only agenda item is the Public Hearing on the All Alcoholic Restaurant license on the premises at 313 Littleton Road. In accordance with his April 22nd point of privilege Mr. Logan abstained from participating in the hearing.

Attorney James Geary represented CAM Corp. d/b/a BumBleBee's and said that the Board had voted to issue a temporary Common Victualer license contingent upon tonight's hearing. He is requesting that the temporary license be extended for an additional 60 days. Mr. Geary said that he was in touch with the A.B.C.C. re the transfer of the liquor license and was told that JDJS has paid all their taxes to the Dept. of Revenue and the ABC Commision will be meeting to vote on this transfer tomorrow. He suggested that we continue all the items on the Public Hearing until May 20th, and the issues may be moot by then. He is therefore asking the Board to grant the temporary Common Victualer license for another 60 days, from May 11 - July 10, and to adjourn to May 20th.

Attorney Joseph B. Shanahan, Jr. representing JDJS Inc. was also present and said he has no objection to extending the Common Victualer license.

At 6:35 pm Chairman Ready closed the hearing and read an opinion from Town Counsel James Harrington. He went over the three sections of the hearing notice: 1. request to revoke the JDJS Liquor license - the Board has no jurisdiction over this license while the transfer is pending with the ABCC; 2. request that the BOS rescind their action of February 4, 1991 approving the transfer - jurisdiction currently rests with the ABCC and BOS has no authority; and 3. request for issuance of All Alc. Comm. Vict. license to CAM Corp. - there is an existing license on the premises and BOS can't issue an additional license.

Mr. Johnson said that for the Board to vote the motions recommended by Town Counsel does nothing - the matter should be put on Hold for two weeks and hopefully will be resolved by then.

Mr. Ready said he diagrees, that we should vote the three motions as recommended by Town Counsel and then vote to continue the matter for two weeks.

Attorney Geary said he concurs that the jurisdiction is with the ABCC, but if the matter is not made moot tomorrow and is remanded back to the BOS, he doesn't want to lose the process. Attorney Shanahan said he feels it is the appropriate action of the Board to dismiss the requests because they are not under the Board's jurisdiction.

Motion by Mr. DeFreitas, seconded by Mr. Blomgren, to **deny the request to revoke the All Alcoholic Common Victualer's License of JDJS Inc. at 313 Littleton Road**, because the Board voted on February 4, 1991 to approve the transfer of this license to CAM Corp. subject to the approval of the ABCC. Approval of this license is currently pending at the ABCC. Vote was 3 in favor, 1 opposed (Mr. Johnson).

Motion by Mr. DeFreitas, seconded by Mr. Blomgren, to **deny the request to rescind the action of the BOS as Local Licensing Authority on Feb,. 4, 1991 which approved the transfer of an All Alcoholic Common Victualer's license from JDJS Inc. to CAM Corp.** because this transfer is curreently pending before the ABCC. The Board will require a remand of the transfer of license from the ABCC prior to assuming further jurisdiction over this matter. Vote was 3 in favor, 1 opposed (Mr. Johnson).

Motion by Mr. De Freitas, seconded by Mr. Blomgren to **deny the request for an All Alcoholic Common Victualer's license to CAM Corp. at 313 Littleton Road** because the records of the Board as Local Licensing Authority reflect an All Alcoholic Common Victualer's License existing at this location in the name of JDJS Inc. transferred, subject to the approval of the ABCC, February 4, 1991. Vote was 3 in favor, 1 opposed (Mr. Johnson).

Motion by Mr. DeFreitas, seconded by Mr. Blomgren, unan. to **grant an additional 60-day Common Victualer license** to CAM Corp. from May 11 - July 10, unan.

At **6:45 pm motion** by Mr. Logan, seconded by Mr. DeFreitas, unan. **to call a recess and reconvene in the McCarthy Middle School Gymnasium at 7:15 p.m.**

The Board of Selectmen **reconvened in the McCarthy Middle School Gym at 7:15 p.m.** Mr. Ready said that the Board of Selectmen is to call a Special Election for override questions, and he will now allow each Selectman to speak, giving his position on placing these questions on the ballot.

Mr. Logan said that the Board of Selectmen has the duty to determine whether an override question should be placed on the ballot. He added that the Board must take fiscal reponsibility and he will support placing three out of five of the questions on the ballot.

Mr. DeFreitas said that voting to call a Special Election with all its associated expenses is a serious obligation of a Selectman and made reference to a Resolution passed by the Board on Febraury 25th calling for no pay raises for any Town employee during FY92, which he supports. Then the BOS, School Comittee and FinCom agreed to put override quesitons on the ballot if the Town Meeting Reps voted for the alternative budgets. He believes in fiscal credibility and won't vote to put on any override question if pay raises are involved and will not vote for recycling because he feels the Town should be out of the Trash and Recycling business. He will vote only for the library override question.

Mr. Johnson said that the vote the BOS took on February 25th regarding no pay raises was Step A, but Town Meeting Reps have said let the electorate make the decisions and it is not right for the BOS to take away the democratic process and the right to vote.

Mr. Blomgren said he has a concern about putting any override question on a ballot but the budgets have gone through the process and the BOS has acted prudently. If the overrides fail, it will mean a reduction in forces. The BOS has to listen to the Town Meeting Reps and they have asked to have the override questions placed on the ballot. All the departments are in a difficult financial position and we will have to convince the population that the overrides are needed. He feels that we need more than the 162 Town Meeting reps to decide the future of the community.

Mr. Ready then read a list of 10 reasons why he is voting to put all 5 override questions on the ballot: 1. we promised that if the alternate budgets were approved that we would do so; 2. he believes in Prop. 2 1/2; 3. it's the right strategy; 4. help to turn around the economy; 5. the Town didn't put us in this situation, the economy and the Commonwealth of Mass. did; 6. School Dept. employees have offered to give up 2 1/2% of their increases; 7. dedicated employees deserve our support; 8. your property tax is deductible - higher insurance premiums or loss is not; 9. supply and demand - if we let our school system deteriorate, the value of our property will go down; 10. it's fair - any raises agreed on in the budget were fair and square as a result of negotiations.

Motion by Mr. Logan, seconded by Mr. DeFreitas, **unan. to call a Special Election for June 4, 1991** from 12:00 pm - 8:00 pm.

Motion by Mr. Logan, seconded by Mr. DeFreitas, to put Question #1 (school override) on ballot. Vote was: Mr. Logan-Yes; DeFreitas-No; Johnson-Yes; Blomgren-Yes; Ready-Yes. Vote 4 - 1.

Motion by Mr. Logan, seconded by Mr. DeFreitas, to put Question #2 (Police override) on ballot. Vote was: Mr. Logan-Present; DeFreitas-No; Johnson-Yes; Blomgren-Yes; Ready-Yes. Vote 3 - 1.

Motion by Mr. Logan, seconded by Mr. DeFreitas, to put Question #3 (Fire override) on ballot. Vote was: Mr. Logan-Present; DeFreitas-No; Johnson-Yes; Blomgren-Yes; Ready-Yes. Vote 3 - 1.

Motion by Mr. Logan, seconded by Mr. DeFreitas, to put Question #4 (Recycling) on ballot. Vote was: Logan-Yes; DeFreitas-No; Johnson-Yes; Blomgren-Yes; Ready-Yes. Vote 4 - 1.

Motion by Mr. Logan, seconded by Mr. DeFreitas, to put Question #5 (Library override) on ballot. Vote was: Logan-Yes; DeFreitas-Yes; Johnson-yes; Blomgren-Yes; Ready-Yes. Vote 5 - 0.

At 7:35 p.m. motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to adjourn the meeting.

For the Board of Selectmen, by

Judith E. Carter

Regular meeting of the Board of Selectmen held Monday, May 20, 1991. Members present were: Mr. Ready, Mr. Logan, Mr. DeFreitas, Mr. Johnson and Mr. Blomgren. Town Manager Bernard Lynch was also present.

Motion by Mr. Logan, seconded by Mr. DeFreitas unan. to approve the minutes of April 4, April 8, April 22 and May 6, 1991.

Under Other Business Mr. Blomgren asked that the Police Dept. be reminded to increse their patrols at Freeman Lake, especially near the spillway, during the summer months and restate BOS practices to the RecComm.

Mr. Blomgren then spoke about service contracts, asking if we should put legal fees out to bid. After dicsussion it was decided to ask the Town Manager to check with other Towns in the Merrimack Valley and also the MMA, and to get back to the Board with his recommendations. It was also agreed that we would seek requests for proposals, not actual bids. Motion by Mr. Blomgren, seconded by Mr. Logan, unan. to do so.

Ed Shanley, New England Telephone Co. was present with four petitions to the Board.
1. Meadowbrook Road - they will be excavating 118' in the soft shoulder, and Mr. Lynch asked them to coordinate this work with the DPW, since they are repaving in that area. Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve the petition.

2. Smith Street - replace a rotted out tree with a stub pole and one cable. Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve.

3. Main Street - place 68 feet and 8 feet of conduit, all in the shoulder of the road, with no cutting of the pavement. Motion by Mr. Logan, seconded by Mr. DeFreitas, unan to approve.

4. Golden Cove Road - a rotted tree needs to be replaced with a stub pole. Motion by Mr. Logan, seconded b Mr. DeFreitas, unan. to approve.
No one present spoke in favor of or opposition to any of these petitions.

Dora Brown, President of the Hart Pond Improvement Association, addressed the Board, stating what her Ad Hoc Committee has done to date. They have reviewed the Pond, and find that it is a Great Pond, owned by the State. The purpose of her Association is to educate people in the use of the pond and controlling noise and pollution. They have a printed set of by-laws, which she gave to the Board, and want to solve and resolve problems. Ms. Brown said that tonight the Commitee is requesting to: 1. remain an Ad Hoc Committee and want to be informed of any problems and 2. to keep the public informed of boating rules and regulations and remind them of Mass. State law.

Mr. Ready told Ms. Brown that they have done a wonderful job and the only concerns are those raised by Town Counsel in his letter of May 13, 1991. All their regulations will have to be voluntary and if they don't work, they will have to come back at the end of the summer to add them as by-laws.
Motion by Mr. Blomgren, seconded by Mr. DeFreitas, unan. to formally ask the commitee to prepare articles of organization and to present the by-laws to us. The Association will also look into the banning of jet skis, either through a Town by-law or going through the State.

At 8:00 p.m. the Board met with **Jon Firger of the Psychological Center** in Lawrence. Mr. Ready said he had received a call form a Muriel Road resident and then a letter from Mr. Firger asking to attend the meeting.
Jon Firger then spoke, stating that the Psychological Center is a non profit agency and their mission is to provide outpatient and residential services for retarded persons, which they do in 10 communities, with the smallest unit for 4 persons and the largest for 15. The Dept. of Mental Retardation has asked them to do a 4 person unit in the Greater Lowell area, and they contacted Shane Realty. After a 4 month site search they have found a ranch house at **22 Muriel Road.** He introduced **Jim Oien and Nancy Brown of the Dept. of Mental Retardation.** Mr. Firger explained that the clients are 4 women, all moderately to severely handicapped who require a lot of help. They will live on Muriel Road 7 days a week but on weekdays they are taken to a day program and the staff takes them to appointments and meetings after that.
Mr. Ready asked what the law requires for notification when clients are moving into a neighborhood and Mr. Firger said that under the Mass. Fair Housing law and the federal Housing law nothing is required, but the Dept. of Mental Retardation has a policy to contact neighbors when a lease is secured. They spoke to several Muriel Road neighbors and met with them on Saturday pm, and will also have an Open House once they are established. In other communities they have formed Citizens Advisory Groups, and they have found it a very posiitive experience in every community.
Mr. Ready asked if the site is cast in concrete before the neighbors are notified how do they address their concerns.
Mr. Logan asked if any permitting needs to be done and was told that the Building Inspector issues an Occupancy Permit according to code. Mr. DeFreitas asked about staffing and Mr. Firger said the ratio is one staff member to each two clients, they work in 8 huor shifts and there are always two there. Mr. Johnson asked if all funding comes from the DMR because he is concerned with co-grant money, that there is no criminal element involved like the Dept. of Corrections. Mr. Firger told him yes, that all funding comes from DMR. When asked about emergency back-up service he said that there is a Master level clinical staff on

call 24 hrs/day, and always at least three persons on call to provide back-up. As far as parking and traffic, there are usually 3 cars there - 2 staff and one service. Once a week there is a 2-hour staff meeting, with 5 - 6 cars there for that time.
Mr Blomgren asked for a list of participating communities and staff background. Mr. Firger said that for staff they require a BS degree or experience in lieu of. They have persons with various degrees to use as resoures. He said that a positive experience for the neighborhood is that the clients are all likeable people, and a negative experience might be that there are unfamiliar faces in the neighborhood, that the staff does change. When asked why Chelmsford, Mr. Firger said that it has to be the Greater Lowell area, that they are attracted to the house itself and it is in a very nice neighborhood which they deserve. He added that they take meticulous care of any houses that are leased for this program.

Jim Oien said that he is the **Director of the Case Management Team in Greater Lowell**, they have app. 90 beds and are not connected with the Dept. of Mental Health or Human Services. They serve 64 families in the Town of Chelmsford, with 22 residents living in residential programs in other Towns.
Nancy Brown, Supervisor Service Coordinator, said that these are 4 very low functioning females, that there is 1 staff member for each 2 clients, they can't go out alone and are primarily non-verbal, and two are legally blind. They are not mentally ill persons. Mr. Logan said he received several calls in support of the program due to the article in tonight's Lowell Sun, and asked if they are dangerous and was told No. Mr. DeFreitas asked the length of the lease and was told one year, renewable, dependent on funding.

Mr. Ready then asked for **questions from the audience. Ann Merrill, 2 Muriel Road**, asked various questions about the lease and type of client, could it be changed, could more beds be added, are patients on medication, etc.
Earl Mahon, 23 Samuel Road, asked if the spetic system has been certified for 4 clients and 8 staff, and said he has no problems with the clients, only with the way in which the matter was handled. He also questioned parking spaces, wheelchair access, bathrooms up to code, fire alarm system, lead paint.
Mr. Ready said we wanted to bring these points to the Building Inspector: capacity of the sepctic system, parking for up to 12 people, bathrooms up to code?
Robin Charbonniere said she had just read the Lowell Sun and never has been so mad as she is at these neighbors - they weren't questioned when they moved in and she is ashamed of what they are doing.
Ruth Collins, 18 Raymond Road, said she has an autistic daughter who will be in this circumstance in two years and the handicapped

have a right to live like others.
Ralph Hickey, Handicapped Commission, said he wholeheartedly supports the program, that these people are entitled to live a normal life. Chelmsford should be proud of this program.
State Rep. Carol Cleven said she had been called by the Muriel Road neighbors and found out some information about the program. and learned that there are some excellent programs in group homes. She will not take sides on the issue but will act as mediator.
Scott Johnson, 25 Samuel Road, said he questions the administration of the program - he found the time line very close so that they got conflicting information and feels that there still may be unaddressed concerns. His concern is that the program is run and administered well.
Rod Merrill, 2 Muriel Road said he is concerned about the clients' safety relative to lead paint poisoning. Ms. Brown said that the law for testing applies only to children under 6.
Von Duey, 27 Muriel Road, said the issue is more complex - he is not concerned about the 4 individuals, but who will move in after they move out in a year or two. Mr. Firger said they would have to go through the pprocess again, and he will notify the abutters if funding changes in any way.
George Terlizzi, 20 Muriel Road asked if a different type of program could be put in the house and Mr. Firger said No, they would have to go for another occupancy permit and there is a contingency clause in the lease on funding.
Mr. Von said he understands that a law was passed last March exempting these homes from zoning by-laws and maybe we should change the law - the Town should be concerned what the house will turn in to.
Jean Rockett, 7 Skyview Drive, said she is a parent of a mentally retarded child and also teaches the retarded. The law cited was put in place to prevent ignorance and prejudice. She is proud that the Board has acted the way they did and told the neighbors to go out and help others.
Mr. Firger said that the people in the neighborhood have been expressing legitimate concerns and he hopes they will be comfortable when the program is in place.

Selectman Bill Logan then presented his **Economic Development Program,** which he had given to Board members on April 24th. He is asking for a vote from the Board tonight. His plan is based on developing plans and strategies at a Town level and managing the Town professionally. The objectives are to fill the vacant commercial areas and position the Town for positive growth. He wants to put together an **Economic Development Committee** comprised of 6 - 8 Town residents and 1 or 2 out of Town who are "big" in business and 1 or 2 who own businesses who aren't residents. They would serve on a volunteer basis to fulfill the above goals.

The second part of his program would be to develop a **Town Prospectus** - a professional document telling businesses why they should invest in the Town of Chelmsford. The Committee would work with the BOS and other Town Committees developing this prospectus. His potential ideas for drawing business include After classification zones and tax free zones as special incentives. Mr. Johnson commented that it would attract new businesses but feels it is unfair to the 60% now occupied - it is not rewarding for loyal taxpayers. Mr. Logan said the special incentive could be limited to 3 - 6 months. The advantage would be that it would fill floor space. The 40 - 45% vacancy rate may increase if the economy doesn't pick up. He also suggested offering Adult Education to company employees, using our facilities. The main objective is to portray Chelmsford as a positive place to do business.
Motion by Mr. Logan to implement his plan, seconded by Mr. DeFreitas, unan. Mr. Ready said we need at least one BOS liaison. Mr. Logan said he would be the liaison and wants to be part of the Comnmittee. Mr. DeFreitas said he would be glad to help.

Barbara Scavezze met with the Board to discuss the **recycling override and the trash situation.** Mr. Lynch said that he and Jim Doukszewicz worked with Barbara on this **fee structure** and they both support it and recommend adoptdion by the Board.
Ms. Scavezze presented the fee structure: $80.00 annual fee and $1.15 per sticker, and a $30.00 recycling user fee if the override fails (still voluntary). This is a 12% increase in the cost of curbside collection for July 1st, but we now have a slight defecit (a large portion of it due to bulk collection).
Mr. Blomgren asked to put the matter on Hold until he can check the numbers. Ms. Scavezze asked the Board of approve the recycling fee tonight, but Mr. Ready said that since Mr. Blomgren has asked for a Hold, they will vote at the next meeting.

Under **Other Business Mr. Blomgren** asked for the list of annual appointments by mid-June.

Motion by Mr. Blomgren, seconded by Mr. Logan, unan. to try to **change the name of 130' of Grove Street to Summer Street** since there are no businesses or residences on that portion and ask the Town Manager to pursue this change.

Mr. Blomgren said as a **matter of policy he would like to schedule Annual Town Meetings on Mondays and Thursdays** at the McCarthy Gym. Mr. Ready suggested leaving out the location.
Motion by Mr. Blomgren, seconded by Mr. DeFreitas, unan. to put a by-law on the next ATM Warrant for Monday/Thursday.

Mr. Blomgren said he has received a letter from a resident re **trash and Yankee Disposal.** About 50 people lost money and they a are asking the Town to reimburse them (app. $5,000). Mr. Lynch said we are looking into this matter with Town Counsel. Mr. DeFreitas said he had invited the resident to attend an Open Session at a Selectmen's meeting and the invitation is still open.

Mr. Blomgren commented on the first news article on the override in the Lowell Sun, saying he felt it was very "pro" and they must give the same opportunity to the opponents.

Mr. Johnson said he is giving back his stipend as a Board member and wants to ask the Town Manager to put his money into opening the polls in the morning for the Annual Town Election.

Mr. Ready said he spoke at a meeting of the **Chelmsford Businessmen's Asociation** and asked how can we help them in these hard economic times. They asked him about **replacing** the required **police detail at construction sites with flagmen** at a much lower cost. Mr. Ready stepped down from the chair and moved, seconded by Mr. DeFreitas, unan. to ask the Town Manager to draft an article.

Under **Reports, Mr. lynch** said that there is money left in the Snow and Ice Account and he wants to give the DPW Director, DPW Dept. and Highway Dept. a pat on the back for a good job this past winter.
We are getting a $15,000 credit on our energy bill.
He wants to thank Ed Jamros for doing an outstanding job in the Park Dept.

Mr. Lynch reported on Local Aid, stating that we will be getting $1 mil - $1.6 mil less in FY92 than projected (a 10% reduction). He said the Department Heads are adamant about the cutting that has been going on the past several years. Communities are being crippled and they want him to ask the Board to take a stand in opposition to any more cuts.

Rep. Carol Cleven said that the House Ways and Means budget passed last Friday means our cut is $2.8 mil, but it appears there will be a compromise, state services will be disappearing at a cut of $350 mil but our share will drop to $250,000 - $300,000.
Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to **draft a resolution to the Governor and the Legislature expressing the Town's outrage at the proposed additional cuts in local Aid.**

Under **Policy**, motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to **adopt the proposed policy on policies.** Under Periodic Review of Policies, Mr. Ready said that the Adm. Asst. has prepared liquor license policy and procedure for the Board's review.

Motion by Mr. Logan, seconded by Mr. DeFreitas to re-appoint Dennis J. Ready for a 3-year term as a member of the Chelmsford Center Industrial Sewer Commission retroactive to January 1, 1991. Vote was 4 in favor, 1 abstention (Mr. Ready)

Under New Business, Mr. Logan handed out copies of a Globe report on schools put out by the Town of Arlington.

Mr. DeFreitas urged all to vote in the Special Election on June 4th on overrides.

At 10:25 pm motion by Mr. Logan, seconded by Mr. DeFreitas, to go into Executive Session to discuss Collective Bargaining. Roll Call vote was as follows: Mr. Logan-Aye; Mr. DeFreitas-Aye; Mr. Johnson-Aye; Mr. Blomgren-Aye; Mr. Ready-Aye.

At 10:45 pm the Board returned to Open Session.

Mr. Ready announced that based on the advice of Counsel we are sending out a response to Union heads answering their letter questioning the Town's paying 100% of the Town Manager's health insurance.

Mr. Ready said that it is the opinion of Town Counsel that the proposed organizational structure of the Veterans' Agent position would violate State law. The Town Manager will come back with a new structure with a full time Veterans' Agent although half the Towns in the State have only part time agents. Mr. Lynch said he will report back to the Board by Septem,ber lst.

At 10:47 pm motion by Mr. Logan, seconded by Mr. DeFreitas, to adjourn to Executive Session to discuss pending litigation. Roll Call vote was as follows: Mr. Logan-Aye; Mr. DeFreitas-Aye; Mr. Johnson- Aye; Mr. Blomgren-Aye; Mr. Ready-Aye. Mr. Ready said there will be no further announcements.

For the Board of Selectmen, by

Regular meeting of the Board of Selectmen held Monday, June 3, 1991. Members present were: Mr. Ready, Mr. Logan, Mr. DeFreitas, Mr. Johnson and Mr. Blomgren. Town Manager Bernard Lynch was also present.

During the Open Session, John Morrison and several other residents who had signed up with Yankee Disposal were present. He had sent a letter to each Board member stating that all present had lost money since they signed with Yankee and then they lost their conditional license to operate. People were told that Yankee was a "qualified trash hauler" and then their license was not renewed so the residents were out their money. The Town recommended that they go to Small Claims Court but this is not the fastest route and will cost money up front. They feel the Town should reimburse them or give a credit on the next bill.
Whitey Morrison, Groton Road, started with Hamel and when he pulled out he went with Yankee, and if they weren't bonded, why did we let them in Town.
David Huntley, Stedman Street, said he had signed a one year contract and can go to Small Claims Court and win by default.
Pat Ring, Charlemont Court, told of an experience with a store that went out of business at the Pheasant Lane Mall.
Sandra Zimmerman said the Town was remiss in its duties in not giving people all the facts, and feels the money they are out should be applied towards next year's user fee.
Mr. DeFreitas said he was a Hamel customer, and feels the Town shouldn't regulate private business.
Mr. Johnson said we could do a compromise - that we can't give back cash but maybe could cut next year's bill by the money they are out.
Mr. Ready said we have asked Town Counsel for an opinion but have no response yet so we don't really know what the Town can do.
Joel Carp said that the trash user fee is not a tax and he objects to those who have been paying to have to subsidize others. He added that any credit given should come out of tax funds, not the user fee.
Mr. Lynch said that Yankee is no longer operating in Town as far as he knows and they also have problems in other Towns, commercial as well as residential.
Mr. Blomgren said that Hamel refunded money with an apology for not being able to participate, and he feels the Town should make a gesture on the 1991 fee for these people.
After further discussion Mr. Ready said that the Board will look at alternatives and will contact the residents through a print-out that Barbara Scavezze can prepare.

Chairman Ready called the meeting to order at 7:35 p.m.

Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve

the minutes of the regular session on May 22nd, as corrected, and the Executive Session on May 22nd.

George Gagan, New England Telephone Co. was present with two joint petitions by New England Telephone and Massachusetts Electric:
1. Ripley Street - to place one pole to extend service to new homes. The pole will be 3 feet off the roadway. Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve.
2. Fairmount Street - one pole not on the pavement to serve new homes. Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve.
Mr. Logan asked about work being done on Park and Proctor Roads, and Mr. Lynch said we are waiting for the phone company to take the lines off the poles.

At 7:00 pm a Public Hearing was held on the application of Bill Boyle, Colonial Shell, 120 Chelmsford Street, for a Common Victualer license. Mr. Boyle said that they want to serve coffee, and vend other products from the machine. He said they are not set up for sandwiches at present, but the Board said his license could cover them in the future. The hours requested are from 6 am - 12 midnight. Mr. Boyle presented the Return Receipt cards and no one was present to speak in favor of or opposition to the application. Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve the Common Victualer license.

Under Reports, Mr. Logan said that some people have asked to become members of his Economic Development Commission, and if anyone else is interested they can call him at home.

The Town Manager reported that at a meeting of the Mass. Municipal Association and State Treasurer it was learned that the final payment of Local Aid will be paid by June 30th. We are still waiting for the Senate Ways and Means Committee.

Mr. DeFreitas said as a Public Service Announcement he wants to remind all citizens that they have the right to vote on the 5 override questions tomorrow, and added let the vote be close due to a large turnout.

Peter Lawlor was present in the audience and asked the Board their position on the overide questions.
Mr. Ready said he supports all 5 questions.
Mr. Logan said he will vote as is his private right. As a new Board member he voted Present on placing questions on the ballot because he was not familiar with the budgets.
Mr. De Freitas said he has taken a private stand against the overrides, but privately he can support some of them.

Mr. Johnson said that as elected public officials the Board sometimes has to take a stand that they don't want to. We have attempted a number of overides and all have failed - how far can we go and not decimate the Town. He supports all 5 questions with the caveat that he hopes this will not be an annual event.

At 7:50 pm a **Public Hearing** was held on the **application of Carol and John Kirwin for a Common Victualer's license for Blondie's Convenience Store, 313 Littleton Road.** They want to serve frozen baked goods that will be baked on the premises to compliment coffee. They are asking for the hours of 8 am - 9 pm Monday through Saturday. They presented their Return Receipt cards and when asked said that "Blondie" is their daughter. Mr. Blomgren suggested that they include Sunday in their hours in case of a big event when they might want to stay open. No one present spoke in favor of or opposition to this application. Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve this Common Victualer's license.

Under **Other Business** the Board discussed the **vote on User Fees for Trash and Recycling.** Mr. Lynch explained the proposed fees. Mr. Blomgren said that $61,600 is administration - the cost of a full time or equivalent clerk, preparation of bills and tags and upgrading the computer system. He asked about adminstration fees for recycling and Mr. Lynch said the user fee of $30 is based on 70% of the households participating, or about 6300. Mr. Blomgren said that if there is only 50% participation we probably need a $40 - $50 fee. Mr. Lynch said that we want to insure that we can cover the cost and don't want to drive people away from recycling. If the override for a $13 average tax increase fails then we will have to charge $30.00 (70% rather than 100% participation). Barbara Scavezze said that if 50% of the households participate we will have a $54,000 defecit but if 85% participate we will have a $45,000 surplus.
Mr. Johnson asked how other Towns are going and Mr. Lynch said more and more are going towards curbside recycling and the State is pushing towards their goal of mandatory recycling. Mr. DeFreitas said he feels if the override fails that less than 50% of the households will pay to recycle. Mr. Lynch said if less than 50% the Town will have to pay the defecit. Mr. Blomgren said that Ms. Scavezze has $50 - $60K in contingency fees in the trash account so there is no compelling reason to vote tonight. Ms. Scavezze said she wants to get the bills to the printer by the end of June. Mr. Blomgren said he wants to see reps from Laidlaw and BFI come in and talk the economics of recycling and he feels the Town is more than meeting the state mandates.
Motion by Mr. Logan, seconded by Mr. DeFreitas for discussion, that the Board approve an annual trash fee of $80.00 per household. Mr. De Freitas said he wants the Town to get out of the trash business and if we are taking taxes to subsidize user fees, he doesn't think that is legal, that fees are supposed to be self-sustaining. **Vote on the $80 fee was 3 in favor, 2 opposed** (Mr. DeFreitas and Mr. Blomgren).

Motion by Mr. Logan, seconded by Mr. Johnson, to approve $1.15 for trash stickers. Vote was 3 in favor, 2 opposed (Mr. De-Freitas and Mr. Blomgren).
Motion by Mr. DeFreitas, seconded by Mr. Blomgren, to establish the recycling user fee as soon after the election as possible, and prior to the next BOS meeting. Mr. Ready and Mr. Johnson said they are prepared to vote tonight, on the assumption that the override fails. Vote on the motion was 3 in favor, 2 opposed (Mr. Ready and Mr. Johnson).

A Public Hearing was held on the application of Old MacDonald's of North Chelmsford, Inc. for an All Alcoholic License, Common Victualer license, Weekday and Sunday Entertainment licenses. Mr. Logan excused himself to sit in the audience per his statement on April 8, 1991 and Mr. Blomgren excused himself for personal reasons. Attorney Charles Perkins represented the applicants and presented an Affidavit and Return Receipts. Mr. Perkins said that they want to run a family style restaurant only serving chicken and gave the Board copies of reviews from Mass. and Rhode Island papers of the restaurant they presently own in Swansea, MA. They are asking for the bar and lounge only to supplement the food, and expect to make only 15% of their profit from liquor and 85% from food. Mr. Johnson said he wants to see the restaurant in operation first, before he grants an entertainment license. Mr. Perkins said they want this license for functions, such as music at wedding receptions. He added that Charlene Labbe, the Manager, has worked in the other restaurant for 3 years, and the restaurant business for 12 years. Mr. Perkins explained the family style, limited menu, and said that his clients are planning to spend $100,000 to bring the building up to code and have met on site with all the Boards and Departments. He added that they want the liquor license changed from a 2:00 am closing to a 12 midnight closing and the license is being pledged as part of the financing.
No one present spoke in favor, and Greg McKenzie, 132 Princeton Street, said he was opposed. Frank Martin, 140 Princeton Street, was present and also had written a letter to the Board, questioning the hours of the lounge and the noise problem with the volume of the music. Mr. Perkins said that this restaurant will be of a totally different character, with the function room in back. Mr. Johnson said that everyone is trying to cooperate and if the neighbors have complaints the Board will take steps to solve the problem.
Chairman Ready closed the hearing at 8:50 p.m. and said the Board will vote at the next meeting.

A meeting date was set for June 10, 1991 at 7:00 pm to vote on the recycling user fee only.

Under **Other Business, Mr. Ready** said that street signs keep disappearing and if anyone finds one they can drop it off at the Highway Garage on Richardson Road with no questions asked.
He said that the Chelmsford Businessmen's Association have requested signs for the local hotels on the highways, and referred to a letter from John Harrington to Carol Cleven requesting signs for the Radisson and Howard Johnson's. He asked the Board to send a letter of support to Mrs. Cleven, Mrs. Hicks and the State DPW. Mr. Lynch said it is against DPW policy to put these signs on interstates unles they are grandfathered, but he will pursue the matter. Motion by Mr. Logan, seconded by Mr. De Freitas, unan. to implement the Businessmen's correspondence.

Mr. Logan moved that the Board request from Town Counsel an opinion as to whether the Town is at fault financially for the $50 fee for residents who signed with Yankee. Mr. Blomgren said it is the Town's intention to help in some way residents who signed with Ynkee, maybe free service for FY92. Mr. Johnson said we have a moral, if not legal, obligation. Mr. Lynch told the Board that the issue is already before Town Counsel.
Motion by Mr. DeFreitas, seconded by Mr. Logan, unan. that Yankee Disposal and any affiiliates be banned from doing business in the Town and will be issued no new licenses until they make restitution to their customers. After more discussion and various motions made and failed, Mr. Ready stepped down from the Chair and moved that the Town Manager write to Town Counsel restating the concerns that the Board has with Yankee Disposal, seconded by Mr. Logan, unan.

Motion by **Mr. Blomgren**, seconded by Mr. Logan, unan. that any discussion of a flagman by-law be deferred until the Spring Annual Town Meeting.
He asked that Vicki Johnson be scheduled to receive a Certificate of Appreciation for her work with the C.A.D.A.C.
Mr. Blomgren requested that the State be asked to replace the Westford/Chelmsford sign on Route 110, and that the DPW be asked to replace street signs on Wagontrail Road and Elizabeth Drive.
Mr. Blomgren commented that the tennis courts at Varney and McCarthy are in excellent shape but that the court at South Row School has a big crack.
He will provide a BOS banner for the Board at the 4th of July Parade and will recruit people to carry it.

Mr. DeFreitas asked to introduce a **policy** on compensation, with salary increases based on performance and fiscal responsibility for managerial staff to be reviewed and voted by the Board at the next meeting.
On the licensing procedures prepared by the Adm. Asst. the Board will hold a Work Session sometime in the future.

On the **appointment of a Town Accountant** Mr. Ready said that it

has been narrowed down to two finalistss and asked for nominations. Mr. Logan nominated **Bernard Meyler**, seconded by Mr. DeFreitas. Mr. Blomgren nominated **Charles Mansfield**, seconded by Mr. DeFreitas. Vote was as follows: Mr. Logan - Meyler; Mr. DeFreitas - Meyler; Mr. Johnson - Meyler; Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to make **Mr. Meyler's appointment unanimous**. It is hoped that he will start in two weeks and Mr. Ready will negotiate a contract with him.
Mr. Lynch said he will have conract awards at the next meeting.

Under **New Business Mr. Logan** said he sent a letter to the Town Treasurer on April 30 asking that his stipend as a Board member not be paid to him but added to the Debt and Interest line item. **Mr. DeFreitas** said he will designate his stipend at the next meeting.

Mr. Blomgren asked that the Highway Department make some Drug Free Zone signs for C.A.D.A.C. and they will pay the cost.

Mr. Blomgren asked that a letter be sent to Rene LaRouche thanking him for his suggestion to rename part of Grove Street Summer Street.

Press Questions will be added to the agenda in the future.

Mr. Ready reminded all residents that tomorrow is **Election Day** to vote on the override questions.

At 9:25 pm motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to adjourn.

For the Board of Selectmen, by

Edith E. Carter

Special Meeting of the Board of Selectmen held Monday, June 10, 1991 at 7:00 pm. Members present were: Mr. Ready, Mr. Logan, Mr. DeFreitas, Mr. Johnson and Mr. Blomgren. Bernard Lynch, Town Manager, was also present.

The purpose of the meeting was to vote on the Recycling User Fee, discussed at the meeting of June 3rd, at which time it was agreed if the recycling override failed on June 4th, a meeting would be held tonight to set the fee.

Motion by Mr. Logan, seconded by Mr. DeFreitas, to set the fee at $30.00 for FY92, with a review at 3 to 6 months.
Mr. Logan said he was satisfied that questions had been answered and that a 3 months review is a good check.
Mr. DeFreitas is concerned with the Town's exposure.
Mr. Johnson said he has heard both sides and will keep his word. He approves of the review at 3 - 6 months and feels that Town Meeting appropriated the money because of environmental concerns.
Mr. Blomgren is concerned with what is being voted - that there is no second leaf collection or mini drop-off. He asked what does a 3 month cut-off involve - termination? He doesn't feel that is legal once an appropriation has been made.
Mr. Ready said he supports recycling and the Town Meeting did vote to appropriate the money.

The vote on Mr. Logan's motion to set the fee at $30.00 was 4 in favor, 1 opposed (Mr. Blomgren).

The meeting adjourned at 7:45 p.m.

For the Board of Selectmen, by

Regular meeting of the Board of Selectmen held Monday, June 17, 1991. Members present were: Mr. Ready, Mr. Logan, Mr. DeFreitas and Mr. Blomgren. Mr. Johnson joined the meeting at 7:30 p.m. Town Manager Bernard Lynch was also present.

During the Open Session residents of The Meadows, Brick Kiln Road, were present with a petition for the Board requesting signage. Robin Charbonniere spoke for the group, stating that a child had been hit by a car while waiting for a school bus and is in a coma. There are no signs indicating that there are children in the area and the residents want signs indicating that this section of the roadway is residential, not commercial. There are 50 children in the area, and they are asking for Slow - Children, School Bus Stop and Handicapped Child signs. Mr. Ready said the Board will vote for this signage during the regular portion of the meeting.

Jeff Stallard, 146 Tyngsboro Road, was present to ask the Board about the Veterans' Memorial Park site, noting that the work is coming right along and asked if there would be HUD money available for parks and recreation - he knows that we spent $17,000 on Southwell Field and asked how much money could be donated to the Park. He would like to see it completed by Independence Day. Mr. Ready asked the Town Manager to come up with some answers by the next meeting.

Chairman Ready called the meeting to order at 7:30 p.m.

The Town Manager reported on the latest State Aid figures, saying that it is bad because there has been a larger cut in local aid, that using the per capita formula hurts the suburbs and that capped off lottery proceeds hurts the cities and towns. It is good because they have eliminated the Governor's proposal to eliminate paying 10% towards teachers' retirement.

At 7:35 pm the Board met with Donald Quebec, Manager of the North Chelmsford American Legion Post 313. They want to install 2 video machines - one pinball bowling and one golf-type - to keep the members' interest. Mr. Ready asked if they pay off, and Mr. Quebec said they might pay an additional game. Mr. Logan commented that the Police Chief and Building Inspector have both approved. Mr. Quebec said the games will be within the confines of the bar area, for members only. Mr. Blomgren asked what about the Board's moratorium on games of this type and Mr. Lynch said it was challenged, that the Board has to make a judgment on each individual case. Mr. Ready then read a letter that the Town Manager's office had sent to the Legion regarding complaints of alcohol abuse and a high noise level. Mr. Quebec was told they should apply for an expansion of their premises if they want to serve alcohol outside.

Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve the applications for the two Automatic Amusement devices at 90 Groton Road.

The Board then met with Peter Frietag, representing John McGovern, Chelmsford Mobil, who had applied for a Common Victualer's license at 95 Chelmsford Street to allow them to serve coffee. Mr. Ready said that they tore out the tanks and didn't check with the Board. Mr. Frietag said that they put in 3 new 10,000 gallon fiberglass tanks, upgraded the facility and put in a snack shop, Mr. Ready asked if they went to the Conservation Commission and Mr. Frietag said all the permits were obtained, including the Health Inspector and the Fire Chief. They are only selling coffee and pre-packaged items. Mr. Frietag said he did not have the green Return Receipts but would check with Mr. McGovern. Mr. Johnson said he has a problem with the process, that Mr. McGovern didn't come to see the Board about changes at the station. Mr. Ready said he expects local dealers to know the local rules, and that large oil corporations have legal resources to learn local rules.
Motion by Mr. DeFreitas, seconded by Mr. Johnson, to approve the Common Victualer license contingent upon receiving the Return Receipt cards. Vote was 4 in favor, 1 opposed (Mr. Logan).

At 7:50 pm Ed Jouki, representing his wife Patricia, was present at a Public Hearing for a Common Victualer's license to be exercised on the premises at One Village Square. location of the former Gourmet Express. Mr. Jouki said they want to operate the restaurant the way it was, as a deli with sandwiches for lunch, for 4 - 6 weeks and then decide which way to go. Mr. Ready asked if they know there is still a license on the premises, in the name of the previous owner, and Mr. Jouki said that Joe Motzi has been evicted and gone out of business, so he can't go back to the premises.
Mr. Logan then stepped down, since there is a question of liquor involved.
Mr. Ready said that in order to approve this license we must revoke the existing Common Victualer's license and the existing Beer and Wine license, although this application is strictly for a Common Victualer license. Mr. Lynch said the Board should stress that this is a conditional approval, based upon the ultimate revocation of the other two licenses. Mr. Johnson asked Mr. Jouki for his experience and he said he has been in the business since 1972, with restaurants in Marlboro, Hudson and Sudbury, but none with a Beer and Wine license.
No one present spoke in favor of or opposition to this application.
Motion by Mr. DeFreitas, seconded by Mr. Johnson, to grant Ed and Pat Jouki a Common Victualer license for One Village Square, conditional upon the revocation of the Common Victualer license currently issued to Joseph Motzi, Gourmet Express. The vote to revoke will be scheduled for July 15th, with notice being sent to Mr. Motzi of the intent to revoke his licenses. Vote was 4 in favor.

Bob Flynn, Executive Director and Steven Boudreau, Chairman of the Northern Middlesex Council of Governments met with the Board to discuss future projects and interlocal cooperation. They explained that the council has changed names from the Northern Middlesex Area Commission to the Northern Middlesex Council of Governments and expanded from a regional planning agency to a regional council of governments, which means a more vibrant, active council which now goes beyond planning aspects. Mr. Ready said he knows that the County has asked them to do a study on recycling.
Mr. Boudreau said they are looking for regional solutions to State and community problems. Mr. Ready asked if they are looking into regional dispatchers and was told No, but they are looking into purchasing, inspectional services, engineering, all of which could be done on a regional basis although there are some issues still best done on a Town to Town basis.
Mr. Flynn said that the legislation didn't expand the powers of the council. Mr. Boudreau again went over the areas that Mr. Flynn is looking into, including regional septage management, and added that recycling is difficult because different communities are moving at different paces.
Mr. Ready asked if there is any grant money available for building a Veterans' Park, and Mr. Flynn said he wil find out.
Mr. Boudreau said the Town shouldn't be shy but come forward with ideas.
Mr. Johnson asked for a status report on the Graystone Pond Project and was told that they are not very active in pursuing negotiations with Westford. Mr. Flynn said they will have to come back with a Phase I Study, which will have to be definitive.

Under Reports, motion by Mr. Logan, seconded by Mr. Blomgren, unan. that the Traffic and Safety Committee be sent a copy of the Brick Kiln Road petition to be placed on their July agenda.
Motion by Mr. Blomgren, seconded by Mr. DeFreitas, unan. to ask the Safety Officer for both short term and long term solutions for the signage problem on Brick Kiln Road, and also ask the Police Department to patrol more for speeding.

Mr. DeFreitas reported that he has received a lot of phone calls regarding his vote to approve the recycling fee and said he voted yes because it will be reviewed in 3 months.
He then asked the Town Manager to explain the position of Highway Superintendent.
Mr. Lynch said that the person will directly supervise the Highway Department, that our roads are worth $100 - $120 million and he will supervise road repairs and drainage work, signage, brush cutting, etc. The Supt. performs a variety of functions, and we are using more contractors who need direction and coordiantion. We have redeployed some of our resources, and can cut back on overtime to the Highway foremen. He feels the

position is a key part of the Public Works Dept. and we have advertised in the Globe, Sun and local papers. Jim Pearson will actually make the appointment, subject to Town Manager approval. Mr. Johnson said there is the appearance to the Community that the workload is not like that in 1981, and maybe the DPW Director could continue to fill the position. Mr. Lynch said that we are not filling the position because the money is there - the money is there because we need to fill the position.
Mr. Blomgren said the real cost of the position is about $50,000, and this should be a leadership position on the part of the Board. Mr. Blomgren moved that the Board direct the Town Manager indicating that it is our strong preference that he delay filling this position until September 1st, seconded by Mr. Johnson for discussion. Mr. Johnson said he doesn't feel we have to make this motion, that Mr. Lynch has heard from 3 Board members.
Mr. DeFreitas said he agrees with the time delay but doesn't think we need a motion - the Town Manager should take what the Baord says under advisement.
Mr. Ready said he would vote against the motion, that the Board can be a sounding board for the Town Manager, and asked Mr. Blomgren if he wants a vote on his motion.
Mr. Logan said from his experience on the Finance and Traffic and Safety Committees he supports the appointment of a Highwy Supt. and Mr. Lynch said that this is not a small operation, with a budget of 1.5 - $2 million we need a proper person to manage it.
Mr. Ready said we told Mr. Lynch to act if he needed a Highway Supt. and he has done it and the FinCom and Town Meeting have approved the spending of the money.
Motion by Mr. DeFreitas, seconded by Mr. Johnson, to amend Mr. Blomgren's motion to say "strongly consider" rather than "direct". Vote was 4 in favor, 1 opposed (Mr. Logan).

Mr. DeFreitas said that he wants to give his **stipend** to the School Department to support a course in Computer Music.

Under **Reports, Mr. Johnson** said we want to ask the media to play up the fact that the **4th of July Parade** is dedicated to the Persian Gulf veterans and will be the best parade ever.
Mr. Johnson also reported that he has heard rumors re the Lowell landfill and wants the Town Manager to contact Lowell and find out the status of the landfill. Mr. Lynch said he will check with Town Counsel tomorrow.
Mr. Blomgren said he would like an **update on roadwork** on a periodic basis.
He asked for a **report on septage dumping on Canal Street**, and heard that the hauler is going to the Conservation Commission on Wednesday.
He asked if a change in the license to **Williamsburg Motors** was granted and was told that the matter is all cleared up.
Mr. Blomgren said that the **sign outside the Old Town Hall** lists only two names. Mr. Lynch said the building is all leased out and he will get a listing of the tenants.

Mr. Ready said that we have a request from the Friends of Music to sell T-shirts with the Town seal on them at the 4th of July Parade. Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to permit them to use the seal.

Mr. Ready reported that we have received a report from Town Counsel stating that we are not responsible for reimbursement to the people who contracted with Yankee Disposal. Mr. Logan read the letter from Town Counsel. Mr. Johnson asked to put the matter on Hold and put it on the agenda for the July 15th meeting.

Mr. DeFreitas said he has heard from Alex Barry, B Street that there is a bobcat loose on B Street scaring children, and wanted to warn parents in that area.

Under Other Business, the vote on Old MacDonald's licenses was scheduled. Motion by Mr. DeFreitas, seconded by Mr. Johnson, to grant an All Alcoholic, Common Victualer and Weekday and Sunday Entertainment licenses to Old MacDonalds of North Chelmsford Inc. subject to valid Purchase and Sales and/or Lease Agreement. Mr. Johnson stated that the license should be restricted to a 12 midnight closing and that entertainment is for functions only. Vote was 3 in favor, Mr. Logan and Mr. Blomgren not voting since they did not sit on the Public Hearing due to possible conflicts of interest.

Mr. Ready said that the striping on crosswalks looks really poor and asked for a report on striping materials.
He also asked that the Police Dept. be asked to forward an accident report to the Traffic and Safety Committee on an accident on Chelmsford Street last Sat. morning near the Little League fields. Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to do so.

Under Policy, motion by Mr. Johnson, seconded by Mr. DeFreitas, uann. to adopt Mr. DeFreitas' policy presented at the last meeting on compensation for managerial employees.

The Town Manager said he has no appointments tonight but will have at the July 15th meeting.

Under Contract Awards, Mr. Lynch said he has awarded the following contracts:
a. Medical Claims Monitoring and Management Services to Cook and Company (formerly Claims Monitoring) for $13,000 the first year.
b. Wheelchair Lift at Senior Center to CMC Elevator Corp, the second low bidder, since we had to cancel the contract with Phillips Construction Co. because they didn't perform.
c. Wightman Street property - declared a buildable lot and received one bid for $37,000.

d. **Underground Storage Tanks Removal and Disposal** - P R Johnson, to remove 11 school and municipal tanks for $50,193.
e. **Highway Department Materials and Equipment** - as recommended by the DPW Director, all to the low bidder. Mr. Ready asked Mr. Lynch have the Northern Middlesex Council of Governments look into the sharing of large equipment, such as a gradeall.

Under **New Business, Mr. Ready** said we have received complaints that people in the back of the Meeting Room cannot hear the Board and asked the Town Msanager to work with Cable 43 to solve the problem.

Mr. DeFreitas said he is going to make a proposal to establish a Citizens Awareness Committee at the July 15th meeting.

Mr. Blomgren asked the Town Manager to ask the Fire Prevention Officer to review individual underground storage tanks to make sure they meet the codes.

Motion by Mr. Blomgren, seconded by Mr. Logan, unan. ask the Town Manager to pull all 900 numbers going out from any Town phones in the past 6 months and to seek out an access block for all these phones.

At 9:35 pm motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to **adjourn to Executive Session to discuss collective bargaining.** Roll Call vote was as follows: Mr. Logan-Aye; Mr. DeFreitas-Aye; Mr. Johnson-Aye; Mr. Blomgren-Aye; Mr. Ready-Aye. Mr. Ready said the Board would not be returning to Open Session.

For the Board of Selectmen, by

Judith E. Carter

Regular meeting of the Board of Selectmen held Monday, July 15, 1991. Members present were: Mr. Ready, Mr. Logan, Mr. DeFreitas, Mr. Johnson and Mr. Blomgren. Bernard Lynch, Town Manager, was also present.

During the Open Session John Harrington was present to complain to the Board about water problems at a building he owns on Chelmsford Street near the Mall. Mr. Lynch said the State is working on the problem since they are installing traffic signals in the area.

Robert Cruickshank, 26 Mt. Auburn Street, and his son Mark were present to ask the Board about the Town flag that Mark designed in 1986, in a contest sponsored by the Chelmsford Elks. One flag was made up, and they would like to see it displayed by the Town and also have some more flags made up. He understands that John Warren has the flag and the Elks say they can't afford to have more made up. Mr. Ready said we will send a letter to the Elks under his signature asking them to bring the flag back to the office.

At 7:10 pm the Board recessed until the start of the regular meeting at 7:30 pm.

Chairman Ready called the meeting to order at 7:30 pm.

Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve the minutes of June 3, June 10 and June 17, both regular and executive sessions, and to release the executive session minutes of the 17th.

Finance Director James Doukszewicz was present to have bonds signed by the Board and he discussed the bonding issue. He explained that these are sewer bonds Phase IIB or III, that the Town has paid Weston & Sampson for contracts and also some capital bond items. The bonds were bid out on July 10th and the rate is 6.11%. There will be a considerable savings in interest over the 4 - 10 years life of the bonds. The successful bidder is now selling off the bonds. Mr. DeFreitas as Clerk certified that there are no objections. Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to execute the bonds as noted by the Town Treasurer.

At 7:35 pm George Gagan, New England Telephone, was present with petitions:
1. Fletcher Street - they want to place 139 feet of conduit under Chelmsford Street within the next 2 weeks in conjunction with the traffic signalization program. Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve.

2. **Elm Street** - Mr. Gagan explained that no Public Hearing is required, that this is only the transfer in interest in one pole from one utility company to another, that NETCo. wants to sell 1/2 ownership in the pole to Mass. Electric. Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve.
Mr. DeFreitas commented that the 4 poles around Photobank are listing towards the center of Chelmsford Street. Mr. Gagan said their engineer will look at them in the morning and report back to Mr. Lynch.

Under **Reports, Mr. Ready** said that the Treasurer's report on the **bond sale** showed that it was good that Moody's has given the Town an Al rating, and he read from Moody's Report.

Mr. Ready reported that we are releasing the Executive Session minutes of June 17th, where the **Board re-negotiated the Town Manager's contract.** The Town is no longer paying 100% of his health insurance premium, the total package is a slight reduction in amount and he received an extension of the contract and an increase in length of severance pay. Mr. DeFreitas pointed out that merit increases are not guaranteed, and Mr. Johnson, noting that Billerica has just hired a Town Administrator for $73,000, said that the Town of Chelmsford is practicing good financial restraint.

Stella Silvardi, Massachusetts Electric Co. was present with a petition to install **one pole off Mill Road** to feed the Soccer Field irrigation pump at no cost to the Town. Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve the easement request for Pole 29/1.
Mr. Blomgren commented that there has been an unusually large number of outages in Town this year and asked if they are due to the Quigley Avenue station, and Mr. Logan asked if the long outages are due to transformers. Ms. Silvardi said she will have the Chelmsford engineer contact Mr. Lynch.

Lloyd Greene, Mill Road, was present and Mr. Lynch told the Board that Mr. Greene is the owner and operator of a **hydropower facility** on Mill Road, that he has rehabbed an old mill to produce electricity to sell to Mass. Electric. Mr. Lynch added that the site is of historical and cultural value, that he would like to discuss a tax incentive with the Board and the Board will have to grant an easement. Ten percent of the proceeds of the sale of electrcity will be given to the Town, and in return taxes would be abated on 60% of his property. This would mean a loss of app. $2,400 to the Town but Mr. Greene has invested a large amount of money to this facility, which is unique and historical.
Mr. Greene addressed the Board, stating that he purchased the dam in 1954 and referred to various correspondence between himself and the Town over the years.
Mr. Ready asked if the agreement would run for as long as he is

producing power, and said he thinks that Mr. Greene and his facility are tremendous assets to the Town. Mr. Greene said that this was the "seed mill" of the industrial revolution, that he is now putting out 6 kilowatts per hour with an undersized generator but he has ordered a new one and should get 10 - 13 kwh. He asked the Board to visit the site over the next month and a visit was planned for Saturday, July 20th, at 9:00 am.

Henry Hamelin, owner of property on Fletcher Street, was present and said he wants to address a potential problem. Raising the pavement for streetlights on Fletcher Street has created a **potential water problem** on his property. Town Engineer Jim Pearson looked at the property this morning and said that the Town will take care of it if the State doesn't. The water will drain into his and Dan Gillette's property.
Mr. Ready said that Mr. Hamelin has been very cooperative during the 11 years that this signalization project has been ongoing and the Town has promised to follow through.
Mr. Hamelin said that the area has a history of flooding, the catch basins fill right up and he showed photos taken during last Saturday's rain. The Board asked Mr. Lynch to send a letter to Mr. Hamelin stating that the Town will take care of the problem if the State doesn't and Mr. DeFreitas said we should vigorously pursue having the State fix the problem. Mr. Blomgren suggested we find out the cost first, to protect the Town and Mr. Hamelin and Mr. Gillette. Mr. Logan felt that the Board shouldn't vote until the DPW Director gets back to the Town Manager. Mr. Blomgren said we should note that Mr. Hamelin turned over his photos showing evidence of damage to the Board.

Mr. Ready asked the audience if they could hear better this evening since we put a TV set in the back of the room and the answer was Yes.

Town Accountant Bernard Meyler met briefly with the Board, and Mr. Blomgren gave him a list of what the Board wants and said he wants to go over it with him in the near future.

Under **Reports, Mr. Lynch** said that we have been monitoring the total trash collection and response to the bills that have been sent out and the participation rate appears to be about 70% for trash and 75% for recycling, with roughly 30% of the 9,000 residential units responding so far. To break even we need 6300 households recycling and 8500 participating in the trash program.

Mr. Johnson stepped down from his position as a Selectman and said that he wants to answer for a member of his family who has been accused by innuendo of benefiting from the Town's insusrance. He said that CIGNA, the company we have had for many years, has been most cooeperative on a municipal level. This past month when we went through the bidding process it is a soft insurance market, one company wanted the major market share and bid accordingly and this means savings to over 100 Towns. He read a statement and gave copies to the press.

Mr. Lynch gave several reports:

1. **Local Aid status** - the Governor has signed and we will be down $1.2 mil below last year. We are now looking at an additional $600K if the legislature approves, unless they override the vetoes. Mr. DeFreitas asked what about a local override and Mr. Lynch said we have to decide by August 26th if we want to put it on the ballot. He said the State isn't living up to the commitments it has made regarding aid. Mr. Blomgren asked if we could issue a mandate tonight to cut operating costs by 1 1/2%. Mr. Lynch said that the insurance savings reduce the shortfall to $400K, and he is working with the departments now and will keep the Board updated.

2. **HUD money for the Veterans' Memorial Park** - he will meet with the Committee and can probably give them $5,000.

3. **Summer Intern** - college student Jennifer Howard is doing volunteer work in his office and if there are any other college students who want to intern we can find work for them.

4. **DPW Projects** - Mr. Pearson has given a report to each Board member on work being done on roadways and drainage projects.

5. **West Fire Station** - this has been closed since he was not able to work a compromise with the Fire Union. Six firefighters were laid off and two put on other units, to handle the manning language in the contract. Mr. Blomgren asked if it is possible to revert back to a volunteer Fire Dept. if a section of Town wants to organize. Mr. Lynch said that there could be collective bargaining and liability problems, but he is exploring the possibility with Labor Counsel. Mr. Blomgren then asked why not close on a rotation basis, and Mr. Lynch said it is a matter of public safety, that the Chief and officers looked at all the stations and decided that the West section is the most feasible to get equipment to from other stations. Mr. DeFreitas questioned Mutual Aid, saying he has read that Firefighters in some Towns are refusing to respond to it. Mr. Lynch said they are watching the situation closely, since we depend on Mutual Aid for anything over one alarm.

6. **Tax/Trash bills** - due July 31 and August 1. Reval is still an ongoing process and the 3rd quarter will show the actual assessments. Jim Doukszewicz said that the average assessment now of $165 - 170,000 will drop to $135 - $140,000.

7. **Building Permits** - Mr. Lynch said that the number of permits issued is up.

8. **Audit** - FY90 audit was successful, with no problems. Copies of the report are available for review. Mr. Blomgren suggested

that we make the Management Letter part of the Annual Town Report. Mr. De Freitas said we should vote this as a policy on August 19th.

9. **Workers Comp.** - a top priority of the legislature. Our premium could be $100K more than last year, and we are currently negotiating with Mass. Interlocal Insurance.

10. **West Coast Video** - flashing lights in the Historic District. We took legal action and it was successful, thanks to an excellent job done by the Commission and Town Counsel.

11. **FICA** - in May we were told we would have to pay social security for all employees. Our retirement system fought it and it was ruled that our retirement system is OK and we don't have to pay FICA.

12. **Old Town Hall** - we are not making much money on rents but it is self-supporting.

13. **900 Numbers** - we have found no calls made from any Town phone to these numbers but blocks are being put on the phones.

Under **Other Business**, on the revocation of the Gourmet Express licenses, Mr. Lynch said that Joe Motzi has turned all his licenses back to the office. Motion by Mr. DeFreitas, seconded by Mr. Johnson, to accept the surrender of the licenses. Vote was 4 in favor, 1 abstention (Mr. Logan).

Mr. Logan as **Chairman of the Traffic and Safety Committee**, read a letter from Safety Officer Daley recommending signage on Brick Kiln Road. Motion by Mr. Johnson, seconded by Mr. DeFreitas, unan. to accept the recommendations and request the DPW Director to have the signs installed. Mr. Logan said that the Committee would like to do more to improve this roadway but has no funds to do so.

Mr. Johnson said that the Board has never overruled the Safety Officer and wants to make a policy allowing the Safety Officer to implement his recommendations, with approval from the Traffic and Safety, without waiting for approval from the Selectmen. This will be presented as a Policy at the next meeting.

Mr. Logan then said his committee has recommended placing a permanent No Right Turn sign from Davis Road onto Locke Road. Motion by Mr. Johnson, seconded by Mr. DeFreitas, unan. to do so.

A third letter from the Traffic and Safety Committee to the Board recommended the installation of a No Left Turn sign from the short street off Worthen Street onto North Road. Many people are taking a right from the 495 exit, going by Blake's, taking a left and then another left onto North Road. Motion by Mr. Johnson, seconded by Mr. DeFreitas, unan. to ask the DPW Director to install this sign.

Mr. Blomgren asked Mr. Logan about Parkhurst Road at North Road and he said he had asked the Town Engineer, who told him we would never get an OK from the State for a 4-way Stop.

Public Health Director Richard Day was present for the discussion of Yankee Disposal fee rebate. Mr. Logan said the Board had asked the Board of Health to revoke their license and he wants to let the Townspeople know why their license was revoked.
Mr. Day said the Board of Health spent the summer and fall trying to get Yankee to comply with the new regulations and to follow their contract. They were not picking up as they were supposed to and using improper vehicles. The Board of Health tried to contact the owner but had no response. In December they notified him that his license would not be renewed in January. He also had problems with bonds and insurance and violated prior regulations in his operational practices. Mr. DeFreitas questioned whether customers were informed that he had a "conditional license". Mr. Johnson asked what was inspected and Mr. Day said their truck. Mr. DeFreitas said he feels that the Trash Rules and Regulations discourage competition so there is only one private trash hauler, and asked if commercial haulers are subject to the rules. He added that he would like to see rebates come from the Board of Health budget. Mr. Blomgren added that our regulations are very restrictive, the most restrictive in Mass. for residential hauling. Mr. Day stated that the Board of Health was put in the middle of drawing up regulations in a rush, and they have now slightly modified them. Dozens of complaints from customers made us look into revocation of their license.
The Board then discussed taking action on rebating fees to Yankee customers. Mr. Blomgren said he doesn't want to set a precedent but feels we owe them something, although Town Counsel says don't do anything. Mr. DeFreitas said we could put it on the warrant for Town Meeting. Mr. Lynch read the letter on independent trash haulers sent to all residents last year.
Mr. Blomgren moved that the Town offer 4 months in kind service to those who suffered a loss from Yankee, seconded by Mr. Logan for discussion. Mr. Logan said he feels the Board of Selectmen is a leadership body, that this would set a dangerous precedent and any resident dealing with anyone licensed by the Town could hold the Town for reimbursement. Mr. Johnson said he feels differently after reading the statement in last year's brochure that the Town does not endorse any trash haulers. Mr. DeFreitas stated that we can't use fee money for reimbursement without approval of the subscribers, and Yankee should pay. He amended the motion to state that service in kind be restricted to appropriate legal action to get reimbursement from Yankee, seconded by Mr. Johnson. Vote on the motion was 1 in favor (Mr. DeFreitas), 4 opposed.

Mr. Blomgren suggested that Yankee customers get a petition to the Town Manager by August 1 for an article for the Town Meeting Warrant to get legal help in funding action against Yankee.

Under **Other Business**, **Mr. Ready** asked about the bid RFP's for the **North Town Hall**, and Mr. Lynch told him that we have stalled on this due to other bids - insurance, etc. but hopefully will be ready this fall.
Mr. Ready asked that **missing street signs on Regina Drive** be reported to the DPW.
He asked that John Harrington's potential water problem be included with Hamelin and Gillette.
Mr. DeFreitas asked what is the **policy** re **speed chases by the Police Dept.** and Mr. Lynch said the policy is to avoid when possible, that the policy and procedures were adopted in December, 1975 and that he is awaiting a full report from the Chief.

Under **Appointments, Mr.Lynch** said that he has appointed Bruce Symmes of Danvers as **part-time Assessor** at $10,500 per annum. He gave his background and explained the changes in the position, that he will be dealing with the Appelate Tax Board.
Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to aprove this appointment effective August 1st. Mr. DeFreitas asked if he will still remain Chief Assessor for Danvers and was told yes, that he will work 10 - 15 hours a week for Chelmsford. Mr. Doukszewicz said his main responsibility is to do 1/3 of the update for re-val.

Motion by Mr. Johnson, seconded by Mr. Logan, unan. to **approve the slate of appointments recommended by Mr. Lynch.**

Under **BOS Annual Appointments**, motion by Mr. DeFreitas, seconded by Mr. Johnson, unan. to appoint Mr. Logan as the Board's rep. to the Northern Middlesex Council of Governments.

Mr. DeFreitas asked to take the **Town Counsel appointment** out of order, stating that he may have a potential conflict since his wife prepares Mr. Harrington's payroll. **Mr. Blomgren** asked to put this appointment on **Personal Hold.**

Other appointments were approved as presented.

Under **Contract Awards** Mr. Lynch read the list of bidders that he is recommending for the Town's **insurance.** Under the **Collaborative Gas Bid** done by the Town of Andover the bid was awarded to Global Petroleum.

Under **New Business** a meeting will be posted for 9 am Saturday for a tour of Lloyd Greene's hydropower facility.

Mr. Blomgren said that Lisa Nevans, Independent Reporter, is taking an educational leave of absence and moved to send a letter

of thanks and good wishes, seconded by Mr. DeFreitas, unan.

Mr. Blomgren said he endorses the work done by Mr. Logan to promote new business in Town. Mr. Logan will update the Board at the August 19th meeting.

At 10:10 pm Mr. Ready asked for a **Moment of Silence for George Baxendale, former Cemetery Superintendent,** who passed away last week.

Mr. DeFreitas said he will be contacting the State Ethics Commission because his wife's company processes Town Counsel's payroll and also because she rents space from the Town at the Old Town Hall.

At 10:15 pm motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to adjourn to Executive Session to discuss pending litigation. Roll Call vote was as follows: Mr. Logan-Aye; Mr. DeFreitas-Aye; Mr. Johnson-Aye; Mr. Blomgren-Aye and Mr. Ready-Aye. Mr. Ready said the Board would not be returning to Open Session and there would be no announcements.

For the Board of Selectmen, by

Linda E. Carter

Regular meeting of the Board of Selectmen held Monday, August 26, 1991. Members present were: Mr. Ready, Mr. Logan, Mr. DeFreitas, Mr. Johnson and Mr. Blomgren. Town Manager Bernard Lynch was also present.

During the Open Session Ms. Ina Greenblatt, 99 High Street, was present to express concern about a "Do Not Enter" sign on Acton Road, at the section of High Street running from Acton Road to Bartlett Street. She claimed that according to the DPW and the courts the sign is illegal, that there are more young children and traffic on their section rather than little High Street. Selectman Logan said that as Chairman of the Traffic and Safety Committee he had requested that the sign be put back up, that it was at the request of residents of High Street and discussed at the Committee's last meeting.
Dr. Lawrence Fadjo, High Street resident, said he is one of the residents who requested that the sign be put back up and that he has letters from other residents. He feels that removing the sign will increase the traffic and danger to small children.
Gerrick Vander-Heide, 52 High Street, said he wrote a letter to Boston in 1979 re the Town arbitrarily placing signs, he feels there should be a Public Hearing before signs are put up and he has a petition signed by 80 people. He added that it is safer to cross Rte. 27 than to get into traffic around the Mobil station, and they should try to slow down traffic from Robin Hill Road towards High Street.
Mr. Ready asked the Traffic and Safety Committee to hold a Public Hearing at their September 11th meeting on the High Street sign.

Harry Rubenstein, 15 Fairbanks Road, spoke to the Board about the new quarterly tax bill system, stating that he has been a taxpayer for 30 years and there has been no problem with taxes until the Town made this arbitrary decision 6 - 8 months ago to pay taxes on a quarterly basis. He feels this is an arrogant abuse of the offices of Teasurer and Town Manager and that bills should be sent out and paid when due. He asked the Town to come up with some method of sending bills - we don't necessarily need quarterly billing but we need more than a semi-annual notice. Mr. Lynch said that he and the Treasurer are looking into other ways of billing.

Chairman Ready called the meeting to order at 7:30 p.m. and asked for a Moment of Silence for Catherine Curran, former Town employee who passed away on August 12th.

Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve the minutes of the July 15th meeting, both Regular and Executive.

At 7:35 pm motion by Mr. Logan, seconded by Mr. DeFreitas, to adjourn to Executive Session to discuss pending litigation. Roll Call vote was as follows: Mr. Logan-Aye; Mr. DeFreitas-Aye; Mr.Johnson-Aye; Mr. Blomgren-Aye; Mr. Ready-Aye.

The Board returned to Open Meeting at 7:55 pm.

Under **Reports, Mr. Ready** said that the Board had received correspondence from **Milton Kinney** and his atttorney indicating that Mr. Kinney had been forced to resign his position as Local Inspector before being appointed as Civilian Dispatcher in the Police Department. He asked for a hearing with the Board. Mr. Ready read several letters from various attorneys: 1. letter of August 16 from Town Counsel James Harrington to Mr. Ready; 2. letter of Auigust 8 from Labor Counsel D. M. Moschos; 3. August 15 letter from Moschos to Harrington; 4. August 22 memorandum to Moschos from Kenneth R. Kohlberg. All of this correspondence is attached hereto and made a part hereof.

Motion by Mr. Blomgren, seconded by Mr. DeFreitas, unan. that the Board of Selectmen acknowledge receipt of correspondence from Mr. Milton Kinney regarding his employment with the Town and his request for a formal public hearing on same, and, acting under advice of Town Counsel remand Mr. Kinney's correspondence to our Town Manager for disposition under the provisions of our Town Charter and Personnel policies. We will also forward a letter to Mr. Kinney an outline of the appropriate grievance process that he may wish to follow. We will also provide Mr. Kinney copies of legal correspondence we have received regarding his dual employment inquiries; and further the Board has received written comfirmation that the Town Manager acted in accordance of legal advice and applicable state law in requiring the resignation of Mr. Kinney from the position of Local Inspector prior to his employment as a Police Dept. Civilian Dispatcher. Accordingly, the Board finds that the Town Manager acted pursuant to the advice of Town Counsel and under applicable statute did not have discretion in this matter and therefore his actions cannot be considered retaliatory.

Mr. DeFreitas said that regarding **dual employment** in Town he has asked the Town Accountant to come up with a list of possible dual employments and he moved to ask the Town Accountant to review employment records of all employees to see if there are any conflicts under 268A, seconded by Mr. Blomgren, unan.

A meeting was held on the **request of CAM Corp. for an extension of their hours under their All Alcoholic license.** Mr. Logan stepped down from this discussion. Attorney Joe Holmes represented CAM Corp. d/b/a BumbleBee's restaurant on Littleton Road. Mr. Holmes said that manager George Whitman is requesting a 1:00 am closing time, as do most other restaurants in Town. They now serve food until 10:00 pm but would serve food on Fridays and Saturdays until 11:00 pm if granted the extension. No one spoke in favor of or opposition to this extension. Mr. Johnson said that we had problems with previous owners and that is why hours were limited. Mr. Ready said he has concerns if

they stop serving food at 10 - 11 and keep serving drinks until 1:00 am.
Motion by Mr. DeFreitas, seconded by Mr. Blomgren for discussion, to grant an extension to 1:00 am.
Mr. Blomgren said he feels we should have a public hearing - he is concerned that they are coming in so soon to ask for an extension, but he would support 12 midnight based on consideration for the neighborhood for a trial period. Mr. Holmes said there have been no problem with the neighbors. Mr. Ready told him that the license was restricted when he purchased it and when it was originally granted there were restrictions because of the residential neighborhood.
Mr. DeFreitas amended his motion to 1:00 am Thursday thru Sat.; Sunday thru Wed. - 12 am, seconded by Mr. Johnson. Vote was 2 in favor (DeFreitas and Johnson), 2 opposed (Blomgren and Ready). Motion failed. Motion by Mr. Johnson, seconded by Mr. DeFreitas, to make the closing time midnight every day. Mr. Holmes conferred with his client, who said this was not acceptable. Mr. Holmes asked for a letter of denial of his original proposal.

John Warren was present to talk to the Board about the **Town flag.** Mr. Ready was given the flag by the Ruler of the Chelsmford Lodge of Elks earlier. Mr. Warren said he is not representing the Elks tonight, and said that in 1986 the Elks ran a contest in the 6th grades to have a Town flag designed. Only one flag was made up, which was presented to the Town on July 4, 1986. The flag was loaned out by the Selectmen's office on several occasions and Mr. Warren finally took it to his home for safekeeping. He couldn't get the funds raised to have more copies made and apologized to the Cruikshank family. Mr. Ready showed the flag and asked the Town Manager to put it in a safe place. John Harrington, who was present, will bring the request for funds to the Businessmen's Association. Mr. Warren said that 5 years ago the cost was $1600 for 75 copies, including the master. Mr. Ready asked Mr. Warren to be chairman of a committee to try to raise funds, and maybe ask the Holiday Decorating Committee to act as a condult.
Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to have Mr. Warren ask the Holiday Decorating Committee if they would have any interest in helping with this project, ask the Town Manager to put the flag in safekeeping and give Mr. Warren permission to utilize the flag to get estimates.

Mrs. **Ruth Delaney, Chairman of the Chelmsford Housing Authority,** was present to ask the vote of the Board endorsing the Authority's position on **Section 8 Housing** - that Section 8 monies coming in to the State would go to local housing authorities, rather than non-profit agencies like CTI. This would give Chelmsford residents priority, and we now have 102 Section 8 units.
Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. that the Board endorse the CHA proposal to channel Section 8 monies through the local authority.

Mrs. Delaney then said that the CHA wants a warrant article for an easement from the Town so they can develop an acre of land on Groton Road into 2 separate 4 unit respite housing.

Richard Main, Campaign Advisory Committee Chairman for the United Way introduced Ken Gallant, president and Chief Executive Officer. Mr. Gallant gave a history of the United Way, stating that Lowell, Lawrence, Haverhill and Newburyport have joined together as United Way of the Merrimack Valley. There are 62 human service agencies, in 3 categories of agencies. He passed out a brochure and matrix of Chelmsford services, and said that he has spoken with Jim Doukszewicz and he can provide payroll deduction options. He would like a letter of endorsement from the Board for fund raising purposes.
Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. that United Way be put on as a payroll deduction for both the school and Town payrolls.

Michael Palermo, Manager of the Route 3 Cinema, was present to request the Board's approval of dividing Cinema III into two cinemas - 238 seats in #III and 144 seats in #VIII.
Mr. Logan said he is concerned that they acted first (work already done) amd came to the Board afterward, and also a concern over health conditions at the establishment. Mr. Blomgren said that the Board of Health had inspected a few months ago. Mr. DeFreitas commented that as a Board we have acted inconsistently and need a work session to set procedures.
Mr. Johnson said the Cinema has done this in the past, dividing theatres first and then asking permission, and thinks we should assert our authority and not allow #VIII to operate until we have reviewed it. Mr. Blomgren asked Mr. Palermo to let hs management know that we're concerned about capital plans or lack thereof.
Mr. Lynch reported that there is $34,400 in outstanding taxes that were due August 1st.
Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. that we not allow Cinema VIII to operate until after our September 16 meeting, request the Board of Health to inspect and report by that time, and if taxes are not paid up to date by that time that we look into the possibility of shutting down the whole Cinema complex.

Mr. Ready said that former Selectman Brad Emerson is still concerned about double poles and let's ask the telephone company to attend an October meeting.

Mr. Logan said that a piece of correspondence from the Traffic and Safety Committee was not brought to the Board's attention. They are requesting that Rivermeadow Drive be made a 2-way street again.
Motion by Mr. Logan, seconded by Mr. DeFreitas for discussion, that the Board implement the recommendation of the Traffic and Safety Committee and if a by-law is needed bry to put an article on the Annual Town Meeting warrant.

Mr. Johnson asked that the Traffic and Safety Committee discuss this at their September 11th meeting. Mr. Logan withdrew his motion and asked residents of the area to attend the September 11th meeting of the Traffic and Safety Committee. He asked the press to publicize the two hearings that night.

Mr. DeFreitas reported that he has received a letter from Hal Matzkin of the Personnel Board enclosing a letter from Will Perry and asked the Town Manager to ask the Personnel Board to review Mr. Perry's letter. Mr. Lynch said that they are already doing so.

Mr. Johnson said that the Town was fortunate that Hurricane Bob wasn't too severe and wants to compliment the DPW and Civil Defense Team for a fine job and Walter Hedlund particularly. He also wants to compliment the Town on good public relations in allowing people to dump brush at Crooked Spring Reservation and to provide a brush pick-up.

Mr. Blomgren said he received a letter from a resident on how we use Police equipment, and is there a stated policy for the use of Town equipment on non-Town business.
Mr. Lynch told him that the Police Chief had decided that for public safety reasons he authorized the use of a police cruiser for a funeral escort. He has sent a memo to the Chief not to send cruisers out of Town and any use of a cruiser outside Town for non Police business must be authorized by the Town Manager.

On the question of **parking at the Old Town Hall Mr. Lynch** said that there are 2 conflicting forces - people who pay rent vs. merchants who have used the spaces for years. We have put up signs reserving spots for tenants.

On the **vote on Lloyd Green's hydropower plant**, the new tax split will be 50/50. Mr. Blomgren asked Pat Daley to put a sign on Raymond Road "Blind Drive Ahead" before we vote. Mr. Lynch said he will meet with Mr. Green after Labor Day to iron out the rest of the details. The vote will be put on the agenda for September 16th.

Mr. Lynch reported that he wants to thank Mr. Johnson for his kind words for the Town Departments during Hurricane Bob, that he too feels that they all did an excellent job. We spent app. $12,000 in overtime and declared a State of Emergency immediately and it was just lifted today, so we can seek reimbursement.

The Board asked to have Walter Hedlund come to the September 16th meeting to discuss the Hurricane.

Mr. DeFreitas reported that there is a large pothole on Stedman Street that should be fixed by the DPW.

Mr. Lynch reported that there is a major renovation going on at the Ericksen property on Chelmsford Street and Dr. Michael Sargent needs a street opening permit to install water to the new building.
Motion by Mr. Johnson, seconded by Mr. DeFreitas, unan. to waive the street opening requirments and grant this permit.

Mr. Lynch reported that there is an easement problem on lot 27, Natalie Road, a road which was accepted at the last ATM. A home was built on a small portion of our drainage easement, and if we grant a slight change in the easement it would clear the title.
Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve the change in the easement.

Mr. Lynch reported that he is still compiling numbers for the FY92 budget, that there was a $639,000 shortfall, which is now down to $175,000 - $200,000. $100,000 will have to be cut from the school side, and $75,000 from the Town side. He will ask for a 2 1/2% reduction in all Town expense accounts. We have adjusted our revenue receipts.

Country Club USA has applied for a 3-day Beer and Wine license for September 6, 7 and 8. Selectman Logan stepped down from this discussion. Owner David Cunha was present and told the Board that they are having tour players playing in tournaments and the most successful events offer at least beer and wine. If we want to get them back we need some type of libation. There are about 100 participants. He is requesting the hours of 12 noon - 12 midnight, and said he has had a liquor license in another Town for 15 years, and will have 2 experienced bartenders.
Mr. Johnson said he as a problem granting a temporary license to a profit organization because the liability can fall back on the community. Town Counsel Harrington said the Town can't incur any liability in granting this license.
Mr. Cunha said that the tournament won't be advertised and will be a basically closed event. He said he can get written persmission from the property owner and will stop serving at 10:00 pm if the Board wishes.
Motion by Mr. Blomgren, seconded by Mr. DeFreitas, to grant this license for 3 days, with the hours of 12 noon - 10:00 pm with written permission from the property owner and making the Police Dept. aware of the program. The vote was 4 in favor, Mr. Logan not voting.

Mr. Lynch told the Board that we have received a Notice of Intent from the Sheehan family under MGL 61A. sec. 14. The property is now protected under the Conservation Restriction and is only for agricultural use. The Town has the right of first refusal if they want to sell any portion of the land. They have carved out two lots that they can sell for $68,000 each, and the Town can buy the lots for the same price. There would still be 29 acres

of land for agricultural purposes. Mr. Ready asked if we can check the price on the property, he thinks it was sold for $30,000. Mr. Ready suggested that we reserve an ATM article, and put the vote on the agenda for September 16.

On Policy, Mr. Logan said he will discuss a new policy re hearings before the Board of Selectmen at the Sept. 16 meeting.

Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve the policies discussed at the last meeting: 1. to include the Auditor's Management letter in the Annual Town Report; and 2. to inmplement any recommendations of the Safety Officer immediately as long as they have the approval of the Traffic and Safety Committee.

Under Appointments, Mr. Lynch recommended that the Board appoint James M. Harrington as Town Counsel. Mr. DeFreitas did not take part in the discussion or vote due to a possible conflict of interest. Mr. Lynch said that Mr. Harrington has agreed to an annual rate of $60,000, payable monthly for up stdo 800 hours per year, with a buffer of 200 hours at $75.00 per hour. He told the Board that this fee is below average for a community of our size. Motion by Mr. Logan, seconded by Mr. Joohnson, to reappoint James M. Harrington as Town Counsel using the Town Manager's proposal of a flat fee with a monthly accounting of hours. Vote was 4 in favor, Mr. DeFreitas not voting.

Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to appoint the Deputy Constables and Emergency Management Committee as recommended.

Under New Business Mr. DeFreitas said that the hurricane knocked a tree over onto a right of way from Evergreen Street to Eastgate Plaza and should the Town take care of it.

Mr. Blomgren said that re the trash RFP he asked to Town Manager to bring a new draft to the Sept. 23 meeting, with line items for recycling separate, and go out to bid asap. Mr. Lynch said he will try to have the bids in by Jan. or Feb.

Mr. Blomgren said that the new trash regulations are not much different from the old ones. He moved that the same restrictions on residential haulers be imposed on commercial haulers and also have a clause in the contract identifying where waste is being taken. Seconded by Mr. DeFreitas, unan.

Mr. Ready asked that a discussion of warrant articles be placed on the agenda for September 16.

Mr. Blomgren asked that Barbara Scavezze be asked to the Sept. 16 meeting to discuss how the trash and recycling programs are progressing.

Mr. Blomgren asked that Fire Captain Michael Burke be asked to the Sept. 16 meeting to discuss the removal of underground storage tanks.

It was requested to have Mass. Electric and New England Telephone attend a meeting in app. 6 weeks to discuss outages both before and during Hurricane Bob.

At 10:40 pm motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to adjourn.

For the Board of Selectmen, by

Judith E. Carter

LAW OFFICE OF
JAMES M. HARRINGTON
Attorney at Law

JAMES M. HARRINGTON
THOMAS F. HORTON
TONI-LYNNE RAFANELLI

4 COURTHOUSE L E
BUILDING A
CHELMSFORD, MA 24
TELEPHONE (508) 458 01

August 16, 1991

C-2985

Dennis J. Ready, Chairman
Chelmsford Board of Selectmen
50 Billerica Road
Chelmsford, MA 01824

Re: Milton Kinney - Employment Grievance

Dear Mr. Ready:

This office has reviewed the correspondence from S. James Boumil, Esq. dated August 6, 1991, to the Board of Selectmen, Town Manager, and Personnel Board. The opinion letters of D. M. Moschas, Esq. dated August 8, 1991, and August 15, 1991, to the Town Manager and this office respectively have also been reviewed.

While it is my opinion that the issues raised in Attorney Boumil's letter concerning labor relations issues are properly addressed by our labor counsel, I have additionally reviewed these opinions and concur with the findings and recommendations of these opinions.

The remaining outstanding issue in this matter concerns the responsibility of the Board of Selectmen to hold a public hearing to review Mr. Lynch's actions for the purpose of reinstating Mr. Kinney a local inspector.

The Charter clearly establishes the methodology for the appointment of employees in Section 4-2, placing the position in question under the control of the department head subject to the approval of the Town Manager.

The Charter does not provide for the administrative review of the appointment of employees by the Board of Selectmen. Section 3-1(b) specifically places the daily administration of the affairs of the town within the exclusive jurisdiction of the Town Manager. To allow an employee to require the selectmen to hold a public hearing to review and reverse administrative decisions of the Town Manager would violate the provisions establishing the Board of Selectmen as the policy-making body and the Town Manager as the chief administrative officer.

Notwithstanding the above, the Town Manager is responsible to the Board of Selectmen for the proper operation of town affairs and is therefore answerable summarily to your board for any and all actions.

It is my recommendation that the Board of Selectmen deny the employee's request for a public hearing as there is no jurisdictional authority within the Charter to grant this request and that the Board of Selectmen, if they desire, summarily review the action of the Town Manager in this appointment and upon review of the opinions and legal recommendations make a determination for their future course of action in this matter.

As requested, I shall be available to meet with the board on Monday evening as required.

Respectfully submitted,

James M. Harrington
Town Counsel

JMH:ph

DELIVER IN HAND

MIRICK, O'CONNELL, DEMALLIE & LOUGEE
ATTORNEYS AT LAW
1700 MECHANICS BANK TOWER
WORCESTER, MASSACHUSETTS 01608-1477
508-799-0541
FAX 508-752-7305

August 8, 1991

Bernard F. Lynch
Town Manager
Town of Chelmsford
50 Billerica Road
Chelmsford, MA 01824

RE: Milton Kinney - Dual Employment In Town

Dear Bernie:

Pursuant to your request, I am confirming my previous advice to you as to whether the Town of Chelmsford (the "Town") properly conditioned the appointment of Milton Kinney to the full-time civilian position of Police Dispatcher in the Town.

As I understand the facts, Mr. Kinney was a part-time Local Inspector who worked twenty-three hours per week in the Town. Mr. Kinney was asked to resign from this position as a precondition to the Town's approval of his appointment as Police Dispatcher. Mr. Kinney did resign, and then filed a complaint with the Town alleging that this condition was improper.

After reviewing the applicable law, I advised you as follows.

The Massachusetts Conflict of Interest Statute, Section 20 of Chapter 268A of the General Laws ("Chapter 268A") generally prohibits Town employees from having "a financial interest, directly or indirectly, in a contract made by a municipal agency of the same city or Town . . . ." An employment relationship is, of course, contractual in nature, and all employees have a financial interest in their own employment. Accordingly, the State Ethics Commission has interpreted Chapter 268A's prohibition to encompass dual employment situations such as that which would have occurred but for the Town's conditioning Mr. Kinney's appointment as Police Dispatcher upon his resignation from his other position in the Town. In essence, the Town could not employ Mr. Kinney as a Police Dispatcher, since he was already a Town employee.

1916 75th 1991
ANNIVERSARY

Chapter 268A does, however, set forth certain conditions under which an employee may hold two positions with the Town. An employee may do so if:

1. the second job is with a completely separate Town agency;

2. there has been public advertising for the position;

3. the employee files a statement with the Town Clerk disclosing that he has the other job;

4. the employee's hours worked on the two jobs do not overlap;

5. the services performed in his second job are not part of the duties of his regular job;

6. the employee is not compensated in the second job for more than 500 hours per year;

7. the head of the second agency (in this case the Chief of the Police Department) certifies that no other employees in the Department are available to do the work as part of their regular duties; and

8. the Board of Selectmen gives its approval.

These conditions are set by Chapter 268A in order to insure that everybody has an opportunity to seek such jobs and that an employee's additional work is necessary and does not impinge upon his or her regular work. All conditions must be met.

In this case, however, it is clear that but for Mr. Kinney's resignation from his position as Local Inspector, he would have violated the sixth condition. Regardless of which one of his positions (Local Inspector or Police Dispatcher) constitutes the "second job" for the purposes of the sixth condition, Mr. Kinney would be compensated in either position for more than five hundred hours per year. Thus, the Town correctly conditioned his appointment to the position of Police Dispatcher upon his resignation from the position of Local Inspector.

Please note, also, that there is an additional exemption which would allow Mr. Kinney to work part-time or on-call for the Police Department of the Town. This exemption was drafted with the intent to permit reserve police officers to serve only in that capacity, and it is unclear whether it would apply to a civilian position such as Police Dispatcher. In any case, Mr. Kinney will be working full-time, not part-time or on-call, so this exemption

does not apply. Moreover, the Town has the discretion to set the standards of conduct for Town employees under Chapter 268A. Therefore, even if the law did not require this result, the Town Manager could set such a standard to avoid the appearance of impropriety.

Finally, I understand that the Town has considered organizing all of the Town's public safety employees into one Department. If the Town were to implement this plan, clearly Mr. Kinney could not serve as both Local Inspector and Police Dispatcher in the Town. Both of the positions would come under the Public Safety Department, and Section 268A specifically prohibits dual employment within the same municipal department. Accordingly, even if Mr. Kinney could meet the above-specified conditions, the Town could not permit him to accept dual employment in the Public Safety Department.

In summary, since Mr. Kinney is not exempt from Chapter 268A's dual employment prohibitions, the Town correctly conditioned his appointment as Police Dispatcher upon his resignation from the Local Inspector position.

If you have any further questions, please do not hesitate to contact me.

Sincerely yours,

D. M. Moschos

DMM/sam
1418/12002
82.0807bl

cc: James M. Harrington, Esq.

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August 22, 1991

Honorable Dennis J. Ready
Chairman
Board of Selectmen
Town of Chelmsford
50 Billerica Road
Chelmsford, MA 01824-2777

RE: Kinney Allegations

Dear Mr. Chairman:

In connection with the allegations made by Attorney Boumil dated August 19, 1991 I wish to specifically respond to the question raised by Mr. Boumil pertaining to when "previous advice" was provided to the Town Manager. It should not be necessary for me, as an attorney at law, to substantiate my written statements, but for the purpose of assisting the Town in this matter, I am doing so.

The Town Manager called me on July 11, 1991 to discuss the dual job issue involving Mr. Milton Kinney, and during those discussions I advised him that such dual employment was prohibited by Chapter 268A of the Massachusetts General Laws. (Please see my daily log for July 11. I have only copied the portions of the log pertaining to the Town of Chelmsford on that day.)

Sincerely yours,

D. M. Moschos

DMM/tmd
1418/12039
12.0822.sn
Enclosure

cc: Town Manager
Town Counsel

1916 75th 1991
ANNIVERSARY

Mirick, O'Connell, DeMallie & Lougee
Full Time Page Listing

Process Month: July 1991

RE	ID	TIMEKEEPER	CLIENT / MATTER	DATE	NARRATIVE
20	252931	12 DMM	01418 Chelmsford, Town of 12005 Fire General	07/11/91	Telephone from Town Manager regarding Mutual Aid
21	252933	12 DMM	01418 Chelmsford, Town of 12001 Special Counsel	07/11/91	Telephone from Town Manager regarding Health Insurance to Part-Time Employee
22	252934	12 DMM	01418 Chelmsford, Town of 12001 Special Counsel	07/11/91	Telephone from Town Manager regarding Dual Town Jobs

MIRICK, O'CONNELL, DEMALLIE & LOUGEE
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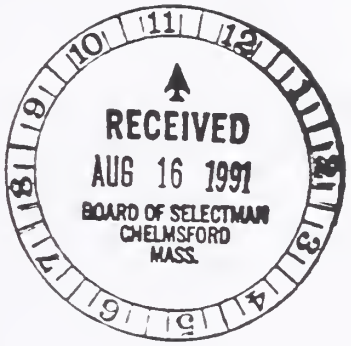
August 15, 1991



VIA FAX AND FIRST CLASS MAIL

James Harrington, Esq.
Town Counsel
Town of Chelmsford
4 Courthouse Lane, Building A
Chelmsford, MA 01824

RE: Milton Kinney - Employment Grievance

Dear Mr. Harrington:

I have reviewed the letter of Attorney S. James Boumil on behalf of Milton Kinney, dated August 6, 1991, complaining of certain actions of the Town. After evaluating the legal and factual accuracy of the allegations set forth in Mr. Kinney's complaint, it appears Mr. Kinney's claims are groundless and lack any foundation in fact or under the law.

The crux of Mr. Kinney's allegations concern Mr. Kinney's resignation as a local inspector and his subsequent appointment by the Town Manager as a Police Department dispatcher. In sum, Mr. Kinney asserts that he was improperly required by the Town Manager to resign as a local inspector in order to be appointed as a dispatcher. It is my understanding that neither the position of dispatcher nor local inspector in the Town of Chelmsford are under the State's civil service statute, Chapter 31 of the General Laws. It is also my understanding that the local inspector position requires twenty-three (23) hours of work for the Town, while the dispatcher's position requires forty (40) hours of work for the Town.

As a starting point, the Massachusetts Conflict of Interest Statute, Section 20 of Chapter 268A of the General Laws ("Chapter 268A") prohibits the Town from offering individuals more than one employment contract with the Town, unless certain explicit conditions set forth in that statute are satisfied. While under the Chelmsford Town Charter, the Town Manager has a certain amount of discretion over appointments within the Town, the Town Charter and the Town Manager's actions pursuant to the Charter are subject to the restrictions and limitations of Chapter 268A. In this case, since Mr. Kinney could not meet the

requirements of Chapter 268A for holding two positions with the Town, Mr. Kinney's allegation that the Town Manager violated the Town Charter in conditioning his appointment to the Civilian Dispatcher position upon the resignation of his Local Inspector position is clearly without merit.

As I have previously advised the Town Manager in the attached letter of August 8, Mr. Kinney's simultaneous employment by the Town as a local inspector and a dispatcher could not meet the conditions of Chapter 268A. The Town, therefore, correctly conditioned Mr. Kinney's appointment as Civilian Dispatcher upon his resignation from the position of Local Inspector. The condition that Mr. Kinney resign as Local Inspector before accepting the new job was required as a matter of law by Chapter 268A, and the Town Manager was not exercising any discretion, or independent judgment when that condition was communicated to Mr. Kinney.

Moreover, Mr. Kinney's allegation that he was "coerced" into resigning as Local Inspector and that he was "[i]n effect dismissed by Mr. Lynch without a hearing as required by law", is likewise completely untenable. Mr. Kinney voluntarily resigned from that position in order to be eligible to accept another position in the Town. As stated, the Town could not permit him to hold both positions in contravention of Chapter 268A. Under Chapter 268A, Mr. Kinney had the option to either retain his position as Local Inspector or to relinquish that post and accept the Civilian Dispatcher's job, in accordance with Chapter 268A. He made that choice freely, without interference or coercion by the Town. It is clear, therefore, that Mr. Kinney's contention that he was "terminated" by the Town is frivolous.

Since the Town did not terminate Mr. Kinney, but, rather, he voluntarily resigned from one position in the Town to accept another, as required by law, his constitutional and/or civil rights claims are equally spurious.

Finally, with respect to the allegations that the Town Manager acted in contravention of Chapters 31 and 31A of the General Laws, Mr. Kinney's complaint is without any basis whatsoever. Simply stated, the Town is not subject to either of these statutes in this case, since neither the local inspector position nor the dispatcher position is a civil service position under Chapter 31, and Chapter 31A is a local acceptance statute which the Town has never accepted. These statutes have no relevance to this case, and Mr. Kinney's allegations regarding the statutes are meritless on their face.

Thus, in summary, Mr. Kinney has mis-characterized the Town's straightforward application of Chapter 268A, and has presented inaccurate and meritless allegations. Mr. Kinney's complaint is based upon citation to inapplicable law, and a complete failure to acknowledge or demonstrate an awareness of Chapter 268A as the controlling State statute. As such, Attorney Boumil's letter raises the question of harassment of the Town Manager. Given the fact that Chapter 268A required the actions complained of by Mr. Kinney, and the fact that Chapters 31 and 31A are on their face inapplicable to the positions in question, the Town should not act upon the complaint but may dismiss it summarily.

Should you like to further discuss this matter, please feel free to contact me.

Sincerely yours,

D. M. Moschos

DMM/tmd
1418/12001
82.0813.jh

cc: Town Manager ✓

M E M O R A N D U M

TO: D. M. Moschos

FROM: Kenneth R. Kohlberg

RE: Chelmsford/Kinney - Analysis of Opposing Counsel's Letter of 8/19/91

DATE: August 22, 1991

You asked that I analyze the attached letter of August 19, 1991, from Milton Kinney's attorney. Below is a paragraph-by-paragraph examination of the merits of Mr. Kinney's allegations.

With respect to the introductory paragraph, it appears that Mr. Kinney is questioning whether "previous advice" was in fact rendered to the Town Manager prior to your 8/8/91 letter. You were initially consulted on this matter on July 11, 1991, and you rendered verbal advice to the Town Manager at that time. In any event, Mr. Kinney has nothing to support the contention that the Town somehow "manufactured" the legal conclusions set forth in the 8/8/91 letter.

With respect to paragraph (1), Mr. Kinney requests that he be allowed to attend an executive session should the Town meet in that manner to discuss his complaint against the Town Manager. Section 23B of Chapter 39 of the General Laws provides that executive sessions may be held "to discuss the reputation, character, physical condition or mental health . . . of an individual", and, "to hear complaints or charges brought against a public officer" such as the Town Manager, provided that the "individual involved" has been notified. In this case, however, the "individual" in question is the Town Manager and not Mr. Kinney. Accordingly, the Town has the right to meet in executive session for the purposes of discussing the complaints against the Town Manager, and the Town can exclude his accuser (Mr. Kinney) from attending such executive session. Thus, Mr. Kinney is not eligible to be present at the executive session.

With respect to paragraph (2), it is not clear why Mr. Kinney alleges that you missed the point of his correspondence of 8/6/91. I believe that he is referring to the fact that his claim is under Chapter 258 of the General Laws, and therefore the Chapter 268A analysis is not relevant. Mr. Kinney himself, however, misses the point that Chapter 268A <u>required</u> the Town to rule as it did in this case.

With respect to Subsection (a) of paragraph (3), the Town Manager did not reduce Mr. Kinney's hours in retaliation for Mr. Kinney's wife's participation in the FBI investigation, but, rather, did so due to budget considerations. Moreover, Mr. Kinney's case is governed by Chapter 268A, as set forth in our letter to the Town. Thus, the references to Chapter 268A are not an attempt to "divert the Board's attention" from the Town's having "discharged" Mr. Kinney.

Additionally, the allegation that the Town Manager's action constitutes improper retaliation under the Flesner case is without merit. The Flesner decision discusses the general "whistle blowing" doctrine which prohibits an employer from retaliating against an employee for notifying authorities of the employer's wrongful conduct. These facts are not present in this case since there was no retaliatory discharge.

Subsection (b) of paragraph (3) is a general statement that requires no analysis.

Subsection (c) of paragraph (3) is inaccurate - Mr. Kinney was not dismissed from his job but, rather, resigned from that position in order to accept another position in the Town.

With respect to paragraph (5) [there is no paragraph (4)], the Town's consideration of reorganizing Town departments was not a justification for the Town requiring Mr. Kinney to resign from the Local Inspector position. Rather, this discussion was merely an attempt by the Town to exhaust its analysis of Mr. Kinney's employment situation, particularly in light of Chapter 268A.

Similarly, with respect to paragraph (6), the discussion about the Town's discretion to set the standards of conduct for Town employees under Chapter 268A was also noted for the purposes of being exhaustive. That discretion does not obviate the Town's responsibility to follow the mandates of Chapter 268A.

With respect to paragraph (7), it is clear that Chapter 268A applies to Mr. Kinney's employment situation. This fact is not "speculative". The law clearly prohibits Town employees "from having a financial interest, directly or indirectly, in a contract made by a municipal agency of the same city or town . . .." Employment relationships are contractual in nature, and all employees have a financial interest in their own employment. Accordingly, Chapter 268A applies to dual employment situations such as that which would have occurred but for the Town's conditioning Mr. Kinney's appointment as police dispatcher upon his resignation from his other position in the Town.

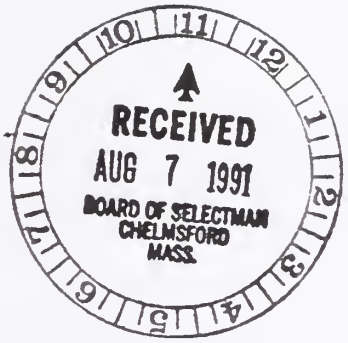
Again, the Civilian Dispatcher position is not covered by the Civil Service law. Accordingly, Mr. Kinney's persistent reference to the Civil Service laws is simply not relevant to the facts of this case.

With respect to paragraph (8), as stated, Chapter 268A applies to the facts of this case. Mr. Kinney's suggestion that Chapter 268A applies only to the situation where a municipal employee owns more than 1% of the stock of a company which is contracting with the Town is entirely without merit.

With respect to paragraph (9), the suggestion that Mr. Kinney would not violate the "sixth condition", i.e., that he would not be compensated in the second job for more than 500 hours, is also without merit. Mr. Kinney cannot decide how may hours he would work at the Dispatcher position, and the Town has determined that this position requires at a minimum twenty-three hours per week. Moreover, the Town did not create this sixth condition but, rather, the condition is set forth in Chapter 268A (see attached).

Finally, with respect to paragraph (10), while it may be that some individuals in the Town hold multiple positions, in apparent contravention of Chapter 268A, the existence of these possible violations would not justify further violations in the case of Mr. Kinney. The Town should review the fact that some employees of the Police Department also serve as matrons. In any event, if other employees have violated Chapter 268A, that fact does not permit Mr. Kinney to also violate that statute.

S. James Boumil, J. D.
Counsellor at Law



06 August, 1991

100 Summit Street
Lowell, Massachusetts 01852
U. S. A.
Tel.: (508) 458-0507

Chairman & Board
of Selectmen
Town Offices
50 Billerica Road
Chelmsford, MA 01824

&

Bernard F. Lynch
Town Manager
Town Offices
50 Billerica Road
Chelmsford, MA 01824

Merit Appeals Board
Personnel Board
Town Offices
50 Billerica Road
Chelmsford, MA 01824

HAND DELIVERED

Gentlemen:

Please be advised that I have been retained to represent the interests of Milton H. Kinney, Jr. with respect to his employment grievances involving the Town of Chelmsford and its Town Manager, Bernard F. Lynch. Be advised as follows:

(1) Despite receiving very excellent employment ratings from Mr. Zagzoug, and despite the obvious need, Mr Kinney was nevertheless reduced to 23 hours per week by order of the Town Manager, under the guise of "cost savings".

(2) On 6/28/91, Mr. Kinney applied to Chief McKeon for the position of Civilian Dispatcher. He was approved by Chief McKeon. However, on 7/31/91, the Town Manager wrote to Chief McKeon and imposed the additional condition that Mr. Kinney resign his position of Local Inspector. Neither Mr. Zagzoug nor Chief McKeon had imposed any such condition to the Civilian Dispatcher job, nor is there any such requirement in the AFSCME contract or other applicable Town regulations.

(3) Faced with the arbitrary and capricious demands of Bernard Lynch and the consequent threat to his economic and emotional well being, Mr. Kinney was coerced into tendering his resignation as Local Inspector on 8/2/91. In effect he was dismissed by Mr Lynch without a hearing as required by law.

(4) In accordance with Section 4-2 of the Town Charter, any appointment over which the Town Manager has any authority shall be "based upon merit and fitness alone". The Town Manager has the right to approve appointments made by Department Heads, but it is clear that such approval may not be withheld for reasons having nothing to do with merit or fitness.

(5) Mr. Kinney was provided with NO reason why his resignation as Local Inspector was demanded by the Town Manager as a condition of his appointment as Civilian Dispatcher.

(6) We are informed and therefore believe that Mr. Kinney's troubles with the Town of Chelmsford are directly related to personal problems that exist between Mr. Lynch and Mr. and Mrs. Kinney, all as well known to Mr. Lynch.

(7) Accordingly, we feel that Mr. Kinney's rights have been violated under the Constitution and laws of the United States, of the Commonwealth of Massachusetts, the Town Charter of Chelmsford, More specifically, Mr. Kinney has been required to resign from the position of Local Inspector, in effect being terminated therefrom, without just cause.

(8) Furthermore, based upon: (a) Mr. Kinney's communication to the Board of Selectmen of 4/16/91; (b) what has been related to me as the long term sexual harassment of Mr. Kinney's wife by Bernard Lynch; (c) the alleged co-operation of Mrs. Kinney with an FBI investigation of certain town practices and/or employees, we conclude that Mr. Lynch is inappropriately mixing his personal quest for revenge with his duties as Town Manager, and in so doing has knowingly and consciously violated Mr. Kinney's rights.

(9) Mr Kinney hereby further states that the actions of Mr Lynch constitute a violation of his statutory rights pursuant to G.L. c 31 and c 31A, and other laws of the Commonwealth and of the United States, and a violation of his Civil Rights. No hearing has been afforded to Mr Kinney on this coerced "resignation", which is in sum a termination.

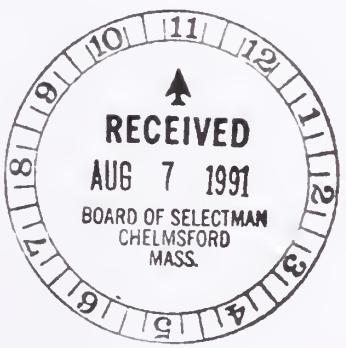
(10) Mr Kinney hereby also petitions the Board of Selectmen for review of Mr Lynch's actions and requests that a hearing be called to review Mr Lynch's actions in this matter. Specifically, Mr Kinney requests the Board of Selectmen to order Mr Lynch to reinstate him as Local Inspector and to restore his benefits under that position, retroactive to the date of his forced resignation. Mr Kinney also requests that the any local Merit Appeals Board established pursuant to G.L. c 31A:7 conduct a hearing on this matter,failing the existence of which Mr Kinney requests that the Civil Service Commission conduct such a hearing pursuant to G.L. c 31:41.

Sincerely yours,

S. James Boumil, Esq.

Milton H. Kinney, Jr.

cc: Civil Service Commission
Commonwealth of Massachusetts
Merit Appeals Board/Personnel -Town



Regular meeting of the Board of Selectmen scheduled for Monday, September 9, 1991.
Chairman Dennis Ready opened the meeting at 7:00 P.M.and recessed until 7:45 P.M. At that time he announced a Public Hearing on the transfer of the Wine and Malt Beverages license for Jack's Diner from David and Mary Mansur to Lisha Furtado.
Due to the lack of a quorum Mr. Ready adjourned the hearing until Monday, September 16, 1991 at 7:45 p.m.
Mr. Ready then adjourned the meeting.

For the Board of Selectmen, by

Edith C. Carter

Regular meeting of the Board of Selectmen held Monday, September 16, 1991. Members present were: Mr. Ready, Mr. Logan, Mr. DeFreitas, Mr. Johnson and Mr. Blomgren. Town Manager Bernard Lynch was also present.

During the Open Session Jeffrey Stallard was present and presented a new POW/MIA flag which was donated by North Chelmsford residents to replace the worn out flag on the North Chelmsford Common. The Chairman thanked him for the donation.

At 7:10 pm motion by Mr. Logan, seconded by Mr. DeFreitas, to adjourn to Executive Session to discuss pending litigation. Roll Call vote was as follows: Mr. Logan-Aye; Mr. DeFreitas-Aye; Mr. Johnson-Aye; Mr. Blomgren-Aye; Mr. Ready-Aye.

The Board returned to Open Session at 7:45 p.m. Mr. Ready called the meeting to order.

Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve the minutes of August 26, 1991, Regular Session.
Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve the minutes of August 22, 1991, Executive Session.
Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve the minutes of the Executive Session of August 26, 1991.
Motion by Mr. Logan, seconded by Mr. Defreitas, unan. to approve the minutes of September 9, 1991.

At 7:45 p.m. a Public Hearing was held on the transfer of the Beer and Wine license at Jack's Diner, 11 - 14 Central Square. Mr. Logan stepped down from this hearing due to a possible conflict of interest.
Attorney Robert Gould represented Lisha A. Furtado, the new owner of the Diner, and stated that the hearing was originally scheduled for August 19 but was cancelled due to Hurricane Bob and was re-scheduled for September 9 but postponed due to lack of a quorum. He noted that this license has been in existence for several years and at the present time is issued to David and Mary Mansur. Ms. Furtado has owned the Diner since June 15, and spent 4 months observing the operation prior to taking over the management and her husband Frank has spent 6 years at the Prince Grotto as a line cook. Mr. Ready asked if she is changing anything - floor plan, hours, etc. and Ms. Furtado said she wants to open Thursday and Friday evenings. She asked for hours of 6 am - 10 pm for her Common Victualer license and 11 am - 10 pm for the Beer and Wine license.
No one present spoke in favor of or opposition to this transfer.
Motion by Mr. Johnson, seconded by Mr. DeFreitas, to grant the transfer of the Beer and Wine License at Jack's Diner from 11 am - 10 pm and subject to receipt of a letter from the current property owner that this transfer meets with his approval. Mr. Blomgren asked the office for a documented process for each license.

At 7:50 a **Public Hearing was held on the application of S.O.N.S. Enterprises Inc., 116 Chelmsford Street, for licenses.** Mr. Logan left the room during this hearing. Attorney Joseph B. Shanahan, Jr. said he had submitted booklets to each member and submitted an affidavit of notice to abutters. They are applying for: **Common Victualer license, All Alcoholic Beverage license, Weekday and Sunday Entertainment licenses** and if they receive the All Alcoholic license they are requesting to **pledge stock.**
Atty. Shanahan explained that **Skip's** has been in that location over 50 years and was first owned by the Kydd family. The Gefteas family has operated the restaurant since 1946 until 1988 and in early 1989 it was leased to Integrity Foods. This leasing ended in litigation. Now the **two sons of the Gefteas and Burliss families** want to open the business as a family operation. Mr. Shanahan gave the backgrounds of the sons, and added that there have been citations by the Board of Health but all under Integrity Foods. They have spent more than $50,000 in repairs and have a 20 year track record on their own and a 50 year record with their fathers and uncle.
As for hours, they would like the same as they have had for 40 years - 6 am - 11 pm early weekdays, 12 midnight Thurs. - Sat. They are asking for 2:00 am under the All Alcoholic license but would settle for 1 am. The restaurant has a seating capacity of 300 and the lounge clientele is a cross section, generally a mature crowd.
Atty. Shanahan said that Skip's Inc. was owned by the elder Gefteas and Burliss families, that Integrity faulted on their lease and technically now there is no license. They hope to open by October 15th and there will be a full inspection by the Board of Health.
No one present spoke in favor of or opposition to this license.
Motion by Mr. DeFreitas, seconded by Mr. Johnson, to suspend the Board's policy of not granting a license the night of the hearing for a number of reasons, and grant the licenses for the time stated - 6 am - midnight for Common Victualers, and 11 am - 1 am for the All Alcoholic license, to grant the weekday and Sunday entertainment licenses and to approve the pledge of stock. Vote on the motion was 4 in favor, with Mr. Logan not voting.

At 8:10 pm the Board met on the **application of CAM Corp. d/b/a Bumblebee's Restaurant, 313 Littleton Road to extend their hours.** Mr. Logasn was not present for this hearing. Chairman Ready said he has a few general observations: at the last meeting they requested an extension of hours. It was denied and they asked for a letter of denial and this is the only reason they are back on the agenda this quickly. He investigated the place, and found that they had people sitting at the bar, which does not comply with the existing license.
Attorney Joseph Holmes, representing CAM Corp., said that the restrictions were not forwarded with the license and his clients did not know that they should be carried forward.

Mr. Johnson said the Board had more or less agreed that a 12 midnight closing on the license would be all right. Mr. Blomgren stated that the Board put heavy restrictions on the previous license, both on seating and hours, due to concern for the neighborhod.
Mr. DeFreitas asked if there have been any complaints from the neighbors and if the client would accept a 12 midnight closing.
Mr. Holmes commented that they have a very small lounge with only 10 bar stools, and Mr. Ready said the restriction allowed no stools at the bar. He feels we should give the public an opportunity to discuss the matter and voice any complaints.
Mr. Ready said that we originally granted the license with certain restrictions and it was never voted by the Board to remove them. Mr. Blomgren feels that he thought we were committed to show concern to the neighborhood and thinks we owe them the right to know of a hearing.
Mr. Ready asked Attorney Holmes to notify the abutters of a hearing next Monday night if they want to ask for a Public Hearing to extend the hours and keep the lounge in operation.

Town Manager Lynch gave a report on Hurricane Bob, saying that we declared a State of Emergency at 10:00 am on the day of the Hurricane, August 19th. He introduced **Walter Hedlund**, stating that Walter administered the Emerency Management Team and did an outstanding job. Mr. Hedlund said that he wants to thank all departments, and said that he met with all dept. heads at 10 am on the 19th and he is proud of all of them, they put out 125%.
He said we had 2 or 3 **real serious problems:**
The **Camp Paul** area had 20 - 25 people in electric wheelchairs, in a stone house with no basement. He asked Mass. Electric for priority. The Fire Dept. used their generators and Mr. Hedlund called in the National Guard to set up their generators to recharge the wheelchairs.
The **North Chelmsford wells and pumping stations** - their **generators** were without power for 40 hours and the National Guard generators again helped out.
Brush situation - he wants to compliment the Town residents for collecting their brush in an orderly fashion and said that they are now burning at the Crooked Spring Reservation.
Homeowner damages - we have received at least 30 estimates of damages over $1,000.
We will have the federal report survey team come into town to see what we can get for federal money, and the Town Manager added that we hope to recoup all overtime costs and the costs of hired equipment.
Mr. Blomgren asked him to to compare the damages with Gloria, especially power outages.
Mr. Ready said we need some method to let the people know how long their power might be out and Mr. Hedlund said we need a foreman or some electric company rep. to be in emergency headquarters during this type of situation.
The Town Manager said we have the DPW Director and the Fire Chief looking into securing new generators and will have Mass. Electric come in to an October meeting.

Attorney Holmes returned to the meeting and said that he will notify abutters tomorrow of a Public Hearing next Monday on extending Bumlebee's hours. He added that they are also seeking permission to serve drinks outdoors at the restaurant on October 5th as part of an Opening Clambake. Drinks will be served in a roped off area and the bar will be close to the back door. They will engage the services of a police detail officer.
Motion by Mr. DeFreitas, seconded by Mr. Johnson, to grant an extension of their license to cover their outdoor Grand Opening on October 5th.

A report on the Solid Waste Program was given by Town Manager Lynch and Solid Waste Committee Chairman Barbara Scavezze. A lengthy discussion was held during which options such as Town vs. private administration, people paying for a recycling shortfall when they don't participate in the program, etc. The Board of Health wants the Board to put on an override question at some point. Mr. Ready said the Board needs to establish policy and direction regarding trash and Mr. DeFreitas asked for a Work Session with the Board and the Solid Waste Advisory Committee. Mr. Blomgren asked the Town Manager to find find out where trash is being taken and where Laidlaw is taking recyclables.
Motion by Mr. Logan, second by Mr. DeFreitas, unan. to have a Work Session on October 28th.

Fire Dept. Captain Michael Burke was present to discuss underground fuel storage tanks. He told the Board that the Fire Dept. is trying to upgrade their files on tanks by streets, not by years. They feel any tanks over 25 years old should come out of the ground, and State laws don't stress homeonwer testing although they do require overflow prevention devices on tanks under 1100 gallons. He has learned in seminars that 80% of leaks are caused by piping, not the tanks, and double wall piping is recommended.
Mr. Ready stated that the Baord is the licnsing authority for underground storage and if they make repairs they should come to us. Capt. Burke said he checks copies of the licenses to make sure that gallonage and location are the same. Mr. Blomgren asked how many residential tanks and Capt. Burke said he knows of 20 officially but guesses there are betwen 50 and 100.
Motion by Mr. Blomgren, seconded by Mr. Logan, unan. to ask the Town Manager to form a committee with reps from the Conservation Commission, Water Districts and Board of Health to work with Capt. Burke on the problem of underground storage tanks.

Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to accept the report on underground storage tanks.

Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to accept the report on Hurricane Bob.

Motion by Mr. Logan, seconded by Mr. Johnson, unan. to accept the Solid Waste report and come up with a policy on October 28th. Vote was 4 in favor, 1 opposed (Mr. DeFreitas).

Other Reports:

Hydropower Plant: Mr. Lynch recommended an abatement be made to Mr. Lloyd Greene - we would abate 50% of his taxes and would receive part of the income from the hydroplant.
Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to enter into an abatement agreement with Mr. Greene.

Sheehan Property: Mr. Lynch reported that the Town took the property in 1970 for $39,200. The Sheehans bought it back in 1982 for the same price. There is an article on the warrant for October 21st, but Mr. Lynch said that the Town doesn't have the money to buy two lots for $136,000.

Under **Policy, Mr. Logan** moved to adopt his previously presented policy on BOS hearings: a person will be placed on the agenda to appear before the Board as long as the subject mattter comes under their jurisdiction under the Home Rule Charter or State law. Motion seconded by Mr. DeFreitas, unan.

Philip Scuderi, East Coast Mangement Inc. and an owner of Route 3 Cinema City, was present to meet with the Board regarding **Cinema VIII.** Mr. Ready told him that at the last meeting the Board had been concerned about taxes, which have since been paid. A report from the Board of Health dated September 13, 1991 stated that inspections were made on August 23 and September 3 and that minor infarctions noted have been corrected. They are looking into new paint for floors.
Mr. Lynch said that the Building Permit was issued on February 27, 1990 but the new cinema was not built until this spring; however they still need an operating license from the Board.
Mr. Scuderi said they were told they only needed a Building Permit to split the theatre and he apologized for not coming before the Board. He added that a tremendous amount of housekeeping has been done.
Motion by Mr. Logan, second by Mr. DeFreitas, unan. to approve the opening of Cinema VIII.

Mr. Lynch then reviewed the articles being placed on the warrant for October 21st:
1. Standard to hear reports;
2. Submitted by the Moderator and Rules Committee
3. Amend the General By-laws re Town Meeting nights
4. State budget article to defer 1 month teachers' salaries into the following year - we don't need to do this
5. Eliminate stipends to Boards - Mr. Blomgren asked for a complete list of stipends now being paid
6. Withdrawn
7. Reduce the FinCom Reserve Funds

8. Article to reimburse Yankee customers - by petition
9. Amend budget to go into balance - Mr. Lynch will have details at next week's meeting
10. Library Trustees - to increase salary budget
11. Sewer easement for Housing Authority
12. Mandatory recycling article - SWAC
13. Details on trash and recycling program - by petition
14. North Chelmsford Water District
15. Petition for Charter change - reduces flexibility of the Town Manager in budget and administration
16. Petition - change in Civil Service law so firemen can be reinstated for up to 10 years, not current 5
17. Rezoning petition - Chelmsford Mall
18. Petition - rezoning for amateur radio antennae
19. Petition - for full-time Veterans' Agent
20. Put cap on amount that can be spent for dog licenses at $30/year

Motion by Mr. Johnson, seconded by Mr. Logan, to **post the warrant as presented and amended (withdraw art. 6)**. Vote was 4 in favor, 1 opposed (Mr. Blomgren).

Mr. Ready said that the Board will vote on whether or not to support the individual articles on September 23rd, and all petitioners are invited to be present.

It was requested that the State be asked to replace the "Entering Chelmsford" signs on Routes 27 and 4.

Mr. Logan said that the **Traffic and Safety Committee** has voted to table any decision to vote on the **Do Not Enter sign onto High Street** until their October 16th meeting.
The Committee recommends that **Rivermeadow Drive become a 2-way Street** again.
Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to change the Traffic Rules and Regulations to make Rivermeadow Drive a 2-way street again.

Mr. DeFreitas said that there is no report from the Town Accountant on persons holding two jobs with the Town.

Mr. Blomgren asked the Town Manager to send a memo to each Town Deaprtment regarding the functions of C.A.D.A.C.

He asked the Town Manager to try to expedite the removal of the double pole on Fletcher Street, since the merchants are complaining.
He visited the soccer fields on Mill Road and found that there is adequate parking inside and asked that Pat Daley and Jim Pearson be requested to install more signage.

Mr. Blomgren had a printout for legal counsel that he recieved from the Town Accountant and questioned the total amount of

$246,000. Mr. Lynch explained the various items that were included and said that he will get a reconciliation from the Town Accountant.

Mr. Ready reported that he went to the Garrison House 300th Anniversary and presented a proclamation.

The **Town Manager reported** that the **North Town Hall** will go out to bid this year.
He reported on a **new streetlight proposal** - a new rate structure where the Town purchases the lights - we could save $15,000 the first 7 years, and then $50,000.

Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to waive the Board's policy of not continuing after 11 pm and move to meet not past 11:30 pm.

The **Town Manager** commented that we have some **innovative programs** that we don't consider innovative but other communities do: pay for trash pickup, Adopt A Park, and added that we're doing a good job with management strategies. Mr. Blomgren asked for a list of parks still to be adopted.

The Board signed the **Orders of Taking for the Phase 2 Sewer projects.**

Under **New Policies, Mr. DeFreitas** introduced a policy that taxes must be paid before a new license is issued, or the Baord may rescind a license if the establishment is in serious tax delinquency.

Under **New Business, Mr. Ready** said that for the past 4 or 5 years the Board has voted to have the Town celebrate **Halloween** the last Sunday in October, rather than the 31st. The School Dept. has asked to have the celebration on Oct. 31st again, since with budget constraints it is hard to keep the school buildings covered by custodians on Sundays.
Motion by Mr. Logan, seconded by Mr. DeFreitas, to **set October 31st as the traditional Halloween celebration date.** Vote was 3 in favor, 2 opposed (Mr. Johnson and Mr. Blomgren). The time will be from 5:30 - 8:00 p.m.

Mr. Ready said that we are again having **problems with Beacon Publications** drop-offs, and ask them to come in to a meeting.

It was also requested that **Mass. Electric and New England Telephone be requested to attend an October meeting to discuss double pole removal and power outages.**

At 11:20 p.m. motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to adjourn.

For the Board of Selectmen, by

Linda C. Clark

Regular meeting of the Board of Selectmen held Monday, September 23, 1991. Members present were: Mr. Ready, Mr. Logan, Mr. DeFreitas, Mr. Johnson and Mr. Blomgren. Town Manager Bernard Lynch was also present.

The Board went over the articles on the warrant for the Town Meeting on October 21, 1991 and made recommendations:

Art. 1. To hear reports.

Art. 2. Motion by HRJ, second RDeF, unan. to recommend at Town Meeting.

Art. 3. Motion by RAB, second HRJ, unan. to support.

Art. 4. Mr. Lynch said that there have been changes made in the bill and the article is no longer needed. He will advise the School Committee of this. Motion by HRJ, second RAB, unan. to recommend at Town Meeting.

Art. 5. Motion by WRL, second RDeF, unan. to recommend at Town Meeting. Mr. Lynch said he will have a list of those receiving stipends prior to Town Meeting. Mr. Ready said he wants to know the costs and are all employees eligible if they work over 20 hours per week.

Art. 6. Motion by WRL, second RDeF, unan. to approve.

Art. 7. Motion by WRL, second RDeF for discussion, to disapprove. After much discussion WRL moved to withdraw his motion and moved, second RDeF, unan. to recommend at Town Meeting. Mr. Logan said he will lobby against this article.

Art. 8. Reduction in the budget - Mr. Lynch went over each line item. Motion WRL, second RDeF, unan. to approve. Mr. Lynch said this will come out as negative Free Cash but he hopes to put in payment of the Mill taxes and we may be balanced as 0 Free Cash. Mr. Blomgren asked that Finance Director Jim Doukszewicz be asked to attend the October 7th meeting to explain tax collections.

At 8:00 p.m. the Board held a Public Hearing on Bumblebee Restaurant's request for an extension of hours. Mr. Logan left the room due to a possible conflict of interest. Attorney Joseph Holmes, representing CAM Corp. d/b/a Bumblebee's, said they are asking that the closing hours be extended from 11 pm to 1 am, that they have notified the abutting neighbors of this hearing, although they have had no problem with the neighbors. He added that his clients did not know that there had been a restriction on the use of bar stools on the previous license on the premises. Mr. Ready said do they want to extend closing hours from 10 pm Sun. - Wed. and 11 pm Thurs. - Sat. to 1:00 am every night and be allowed to use the small bar area with 4 booths and 10 stools. Mr. Johnson said that this is a completely different atmosphere than under the previous owner.

No one present wished to speak in favor of this extension. Ms. Christine Ingeles, Chamberlain Road, spoke against the expansion and submitted a letter of opposition from her neighbor Eunice Gray. They both claimed that when the question of a liquor license on the premises first came up it was voted by the Board that no lounge would be allowed. The billiard hall in the same mall closes at 12 and they will go right into the lounge if it is open until 1 am.
Mr. Johnson said he had voted against the first applicant but this applicant has a different track record.

Barbara Bunn, 6 Chamberlain Road, was present and asked if the whole restaurant will be open until 1:00 am and was told Yes, but they will serve a full menu only until 11 pm. Ms. Bunn said so then at 11 pm it becomes a full lounge, and asked who would enforce the restrictions on the license. Chairman Ready told her the Board of Selectmen, Board of Health, Building Inspector and Police Department. Ms. Bunn said she appreciates being notified of the hearing, doesn't want to see the hours extended and noise is really her only complaint.
Mr. Ready then read the letter from Eunice Gray, 24 Chamberlain Road, who is against extending the hours.
Atty. Holmes said that CAM Corp. has nothing to do with the billiard parlor "Pockets" and his employees help police the area. George Whitman, the manager of Bumblebee's, has over 20 years experience in the restaurant business with no problems, and said he will serve hot food untill 11 pm, then a Pub menu until 12:30 am.
At 8:25 pm Mr. Ready closed the hearing and said he wants to follow the new procedure and vote at the next meeting.
Motion by Mr. Johnson, seconded by Mr. DeFreitas, to grant the license as requested. Mr. Johnson stated that he feels a liquor license is a privilege, that it is up to the owners to adhere to the laws and at the first infarction we will call the applicant in to explain to the Board.
Mr. Blomgren said he thought we had made a commitment and thought that CAM Corp. was comfortable with a 12 midnight closing. He had thought that Sun. - Wed. was 12 and Thurs. - Sat. 1 am for a trial period. He shares all the concerns of the neighbors and said we have to rely on the neighbors and ownership to keep the Board on their toes.
Mr. Ready said he has serious reservations granting a closing past midnight to a family restaurant, that it is easy to grant but almost impossible to take away a liquor license. He does not see much problem in using bar stools if there are no problems and reasonable hours of operation in a residential neighborhood.
Mr. DeFreitas moved to amend Mr. Johnson's motion to make closing hours Sun. - Wed. 12 midnight, and Thurs. - Sat. 1 am, with the stipulation that they serve hot food until 1 hour before closing and the restriction on the bar will be removed.
Vote on the motion was 3 in favor, 1 opposed (Mr. Ready).
Mr. Logan rejoined the meeting.

Discussion then continued on the warrant articles for the October 21 Town Meeting.

Art. 9. Motion by WRL, second RDeF, unan. to recommend at Town Meeting.

Art. 10. Motion by WRL, second RDeF, unan. to approve.

Art. 11. Motion by RAB, second RDeF, not to support. Mr. Logan said he wants to hear the proposal at Town Meeting. Vote was 4 in favor, 1 opposed (WRL).

Art. 12. Motion by HRJ, second RDeF, unan. to recommend at Town Meeting.

Art. 13. Motion by HRJ, second RDeF, to approve providing it meets the criteria of the zoning by-law. Vote was 4 in favor, 1 opposed (WRL).

Art. 14. Motion by RDeF, second by HRJ, unan. to recommend at Town Meeting.

Art. 15. Motion by WRL, second RAB, to recommend at Town Meeting. Town Manager Lynch said he is opposed to this article, calling for a 10 year reinstatement period for Fire Dept. employees under Civil Service. Vote on Mr. Logan's motion was 2 in favor (WRL and RAB), 3 opposed.
Motion by RDeF, second HRJ, to not support this article. Vote was 3 in favor, 1 opposed (WRL), 1 abstention (RAB).

Arts. 16, 17 and 18. Motion by WRL, second RDeF, unan. to recommend at Town Meeting.

Art. 19. Motion by WRL, second RDeF, unan. to support.

Under Reports, Mr. Ready asked for a full Police report on the accident which occurred on Saturday, Sept. 21 at the intersection of High St. and Acton Rd. be forwarded to the Traffic and Safety Committee.

Mr. Ready said that as requested by Jeff Stallard in Open Session, he would like to see the POW/MIA flag flying in Vinal Square. Mr. Lynch said it will be by the weekend.

Mr. DeFreitas reported that he has received a report from the Town Accountant, which he read, indicating that no Town employee falls into the dual employment category.

Mr. Johnson said that he feels our practices, policies and procedures are headed the wrong way, that we are backing ourselves into a corner by adopting so many policies. We should look at each agenda item and judge it on its own merit. He doesn't think that all policies have to be put in writing. Motion by Mr. Johnson, seconded by Mr. Logan for discussion, to take policies off the agenda. Mr. Logan said he feels we need procedures, maybe not policies. Mr. Ready stated that without policies we basically jeopardize our right to refuse a license. Mr. DeFreitas feels that policies should be global, not specific, and that they shouldn't be procedural.
Mr. Johnson said he will withdraw his motion as long as we all understand that we don't want to be backed into a corner.

Mr. Blomgren reported that re the Halloween celebration, he sent a note to the Police Chief, who answered that he has no problem with either night, but supports the traditional October 31st celebration.
Mr. Blomgren asked when will Grove Street be changed to Summer Street and Mr. Lynch reported that he and Town Counsel will be ready to have it put on the agenda for the 1st meeting in November.

Mr. Blomgren reported that Dracut has a good recycling program and asked Barb Scavezze to bring a report to October 28 Work Session. Mr. Lynch said they will do an update on all local Towns.

The Town Manager reported that the International City Managers Association conference was held in Boston this past week with over 4,000 managers attending.

Under Other Business, Mr. DeFreitas read a letter from Rene LaRouche re beavers in North Chelmsford again, and asking the Town to live trap and relocate the beavers. He added that the Friends of Animals have not done anything to help.
Motion by Mr. DeFreitas, second by Mr. Logan, unan. that the Town Manager look into the problem.

Under Policies, the vote on policies previously presented was:
1. Mr Ready's policy on petitions to review conditions placed on Alcoholic Beverage Licenses: motion by Mr. Johnson, seconded by Mr. DeFreitas, to approve. Vote was 4 in favor, 1 abstention (Mr. Logan).
2. Mr. DeFreitas' policy on licenses and permits and tax delinquency - motion to adopt the first section by Mr. Johnson, seconded by Mr. Logan, unan. Motion by Mr. DeFreitas, seconded by Mr. Johnson, unan. to table the second section until he has a chance to redraft it.

Motion by Mr. Logan, seconded by Mr. Johnson, unan. to re-appoint Judith A. Olsson as a member of the Board of Registrars for a three year term.

At 9:15 pm motion by Mr. Logan, seconded by Mr. Johnson, unan. to adjourn.

For the Board of Selectmen, by

Jdlo E. Carter

Work Session of the Board of Selectmen held Monday, September 30, 1991 at 7:00 pm. Members present were: Mr. Ready, Mr. DeFreitas, Mr. Johnson and Mr. Blomgren. Mr. Logan joined the meeting later. Town Manager Bernard lynch was also present.

At 7:02 pm motion by Mr. DeFreitas, seconded by Mr. Johnson, to adjourn to Executive Session to discuss pending litigation. Roll Call vote was as follows: Mr. DeFreitas-Aye; Mr. Johnson-Aye; Mr. Blomgren-Aye; Mr. Ready- Aye.

The Board returned to Open Session at 8:40 p.m. and discussed the procedure to be followed in issuing or renewing licenses.

A check-off form will be formulated for each type of license. Information to be supplied includes the following:

1. Minutes of meetings where previous license requests have been granted or denied (to indicate restrictions, etc.)

2. Report from Tax Collector re any deliquency

3. Any real estate interest and financial interest on part of owner of property or license applicant

4. Floor plans

5. Hours of operation requested

6. Form for criminal background check

Mr. Johnson left the meeting at 8:30 p.m.

7. Statement of need (other establishments in area offering same services)

8. Building Inspector: zoning, accessibility, signage

9. Parking and Traffic: impact on traffic, number of parking spaces

10. Background of personnel: experience in serving/dispensing, training plan if new employees

11. Notification of abutters

12. Check with police for calls and incidents

13. License to be displayed

14. Liquor to be secured when not being served

15. Form to be made up for owner's signature indicating that he ackowledges any conditions

16. Acknowledgement in writing of property owner that he is aware of license applicaiton or transfer

Mr. Blomgren left the meeting at 9:00 p.m.

It was decided that all license renewals will be voted at the first meeting in December and the public should be notified.

After further discussion the meeting adjourned at 9:15 p.m.

For the Board of Selectmen, by

Dale E. Oste

Regular meeting of the Board of Selectmen held Monday, October 7, 1991. Members present were: Mr. Ready, Mr. Logan, Mr. DeFreitas, Mr. Johnson and Mr. Blomgren. Town Manager Bernard Lynch was also present.

Chairman Ready called the meeting to order at 7:45 p.m. He asked for a moment of silence for the 3 young men killed in an auto accident on Acton Road last week.

Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to proclaim October 10, 11 and 12 as Knights of Columbus Handicapped Days.

Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to proclaim Return to Your Roots Reunion for the CHS Classes of 1955, 1956 and 1957.

Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve the minutes of the September 16, 1991 regular meeting.

Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve the minutes of the September 16, 1991 Executive Session.

Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve the minutes of the September 23, 1991 regular meeting.

Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve the minutes of the September 23, 1991 Executive Session.

Former Selectman Bonita Towle was present and Chairman Ready read Citations from the State Senate, sponsored by Senator Lucille Hicks, and House of Representatives, sponsored by Rep. Carol Cleven, commending her for her 12 years service as a Selectman in the Town of Chelmsford.

Representatives of Independent Delivery Service, Beacon Communications, were present. Mr. Ready said that we have received numerous complaints from residents that plastic bags containing advertisements were left at homes where they are not wanted. Stewart Graff, head of the Carrier Division said that they keep a list of DND's (Do Not Deliver) and only want those who want it to get it. When they receive a complaint they speak to the agents and carriers, and note the DND on the maps of the routes. They deliver to app. 11,000 homes in Chelmsford and some complaints do slip through the cracks. There is a very small percentage of people who do not want delivery.
If residents receive the flyer who do not want it they can call Beacon Communications 800 number and ask for Michael DeCellis. Mr. Graff said that the employee who delivered twice to 132 Dalton Road was terminated. When they get a complaint they call the person personallly, mark the map and they shouldn't receive the flyer the following week.

George Simonian from the Chelmsford High School Alumni Association was present. Each Board member disclosed that he is a member of the association, and Mr. Logan stepped down since the matter involves liquor. Mr. Simonian said that the association is requesting a 1-day liquor license for November 30th. Thanksgiving weekend will be Alumni Weekend for CHS, with some classes holding reunions and a get together at the Armenian Cultural Center on Sat. night. for any alumni. Last year they held the event at the Courthouse, but it is not accessible for handicapped, so Mr. Simonian offered the hall at the church. They are requesting hours from 7 pm - midnight. Mr. Blomgren said we will need permission from the church in writing.
Motion by Mr. DeFreitas, seconded by Mr. Johnson, unan. to grant a 1-day liquor license for Nov. 30 to the CHS Alumni Association. The vote was 4 to 0, Mr. Logan not voting. The Adm. Asst. was instructed to add permission from the owner under procedures for a 1-day liquor license.

Souhil KassHana was present requesting the transfer of the Common Victualer license at One Village Square from Deli Express to his International Restaurant. He will be serving food from Italy, Mid East, Mexico, America, Greece, etc. He is adding new equipment and asked for hours from 7 am - 10pm. He has app. 56 seats and wants to use the sidewalk area in the summer, as has been done before. He has 10 years experience in the restaurant business, and is keeping basically the same floor plan, adding a small wall to hide the freezer and refrigerator.
Mr. Blomgren moved to approve the transfer of the CV license, with hours from 7 am - 10 pm, seconded by Mr. Defreitas, unan. Mr. KassHana said he will be officially opening in about 3 weeks.

Reps. from Mass. Electric and New England Telephone were present to discuss the status of double poles. Jim Lehan, New England Telephone Co. said that the outstanding poles are along Stedman, Chelmsford, Flethcer, Westford Streets and Dalton and Riverneck Roads, by the cemetery.
Mr. DeFreitas asked why there is a pole in the middle of Canal Street and Penny Hamel, Mass. Electric, said the pole was there before the road was built. They will look at it and see what they can do. They said that New England Telephone is responsible for poles in Chelmsford.
Jim Lehan, said that the order on taking wires off a pole is Mass. Electric, Fire Alarm, Cable TV and then the phone co. Then the pole is removed. When a pole is first erected they notify and meet with the other companies and try to work out the sequence to use when the pole is placed. Mr. Ready said that as Mr. Lehan outlines the process he can see why it can take 6 months. Mr. Lehansaid that there have been 27 poles involved with the road widening on Rte. 110 and most are down. They will do Fletcher Street within 2 weeks.

The Board will request in writing to have the Canal Street pole removed.
They asked to have a new list of double poles by the Oct. 28th meeting.
Jim Lehan said that in 1992 they have extensive construction planned in the areas of Boston Road, Concord Road and South Chelmsford, which will cause more double poles for awhile.

They then discussed power outages and emergency situations with Mass. Electric. Mr. Blomgren said that when Hurricane Bob hit and large areas of the Town were without power it was difficult to tell residents when they would be getting power, and we want improvement in that area.
Bill Flaherty, Asst. District Manager in North Andover, said that the electic company has done a self-critique over this storm, said that they had 7,000 people out in Chelmsford that nite, and try to get the big feeders on first. Dick Harding, who was dispatching crews, said that the last 400 - 500 people are the hardest to get on. They had 15 - 16 crews in the MV district and 90% of their customers were back on by Wed. and the rest by Friday.
They have a few problems in No. Chelmsford and now are identifying hot spots on the line that might fail and repair them. Mr. Ready asked if these hot spots could cause a car radio interference problem in the Center and Mr. Harding said Yes, but it could also be a home or business that is causing it. He added that there are substations in the Acton/Concord Road area, also on School Street and Quigley Avenue, and the feeders come from these substations. He said that the reason power goes out more than phone lines is that the top 3 wires on the pole are electrical, and the phone line is lower and only one cable.
Mr. Lynch commented that his contacts with Mass. Electric were excellent during the storm. Mr. Flaherty said he knows they have room for improvement and have a new computer system since Hurricane Gloria which shows when people call. He urged customers to keep calling during outages, that they have a Storm Restoration System that indicates what areas are still out.

Mr. Blomgren said that we had power problems before Hurricane Bob and Mr. Flaherty said they have looked at all 13,000 volt lines and replaced cables and equipment, did a major tree trimming project and are monitoring feeders closely. Mr. Blomgren said he is concerned about No. Chelmsford and Ms. Hamel said that the problems are due to the Brentwood Drive development, that the wires are underground and all have been or are being replaced.
Mr. Harding said that the whole Vinal Square area has been rebuilt, they have a troubleman on 24 hours a day, but crews have to be called in after hours and that takes time.
Mr. Blomgren asked for a list of contact people during a major storm, and was told that this will be furnished. It was also stated that any medical emergency should be called in directly to the company, and Ms. Hamel added that it would be helpful if

residents knew the pole numbers when they called about outages.

Attorney James Geary was present to make a presentation on the Chelmsford Mall re-zoning article. He introduced Barbara Carye, representing Altid Properties. Ms. Carye said that this is not really an expansion of the Mall but the zoning change leads to increased usage. She will also answer questions on Altid's taxes.
The Mall is a 28.5 acre parcel now zoned CA, IA and CC; they want to have it rezoned all CC, Shopping Center District. They submitted a petition and the Planning Board held a hearing and voted to support the rezoning. They are not bringing in a proposal to increase the height of the Mall. The height restriction is 35 feet, setbacks are more stringent, but the CC zone allows restaurants and financial and medical walk-in centers. There ae 2 other CC zones contingent and adjacent- Route 3 Cinemas and Demoulas Plaza. The density is different, and the main purpose of the re-zoning is to upgrade the Mall. Architect Tim Mitchell said that they are putting on a 10% addition, and the points to be considered are architectural character, location and site improvements. Ms. Carye said that the Mall was built in 1971 and it needs refurbishing.
The Planning Board asked them about a covenant with the Town for property not owned by the Caryes - properties belonging to the Chianis and Merrill familices. They asked to have CA zones stay on either side of the property and if the Carye family or their heirs ever acquire Town properties they would discontinue curb cuts and add buffer zones.

Ms. Carye told the Board that out of the total Altid properties on Rte. 129 there is 350,000 - 400,000 sq. ft. vacant out of 1.7 mil. sq. ft., or 20 - 25%. They have no plans for expansion now.

Ms. Carye said that they have been working with the Town on the tax ababement process. The Mall taxes have been paid for 1991 and they have asked the Town to take a payment schedule on the remaining taxes. They have agreed and Altid will have the current 1991 taxes paid by the end of the Fiscal Year. They can follow the payment schedule, based on a 14% interest rate. Finance Director James Doukszewicz, who was present, said that as long as they meet the payment schedule we will be ahead by 9%. Their agreement with the Town is no different than we would do with any commercial enterprises, and he said that Altid is already ahead on their payment schedule.
Mr. Ready said that with the new signalization on Route 110 he wants to thank the Mall owners for their cooperation and donations of money, property and easements.

Attorneys Jim Geary and Jim Harrington then reported on the North Chelmsford Auto Parts Class III license. Atty. Harrington said he had asked to have the item put on the agenda since the Board last January had issued a license to expire on August 1st unless Mr. D'Angelo completed the requirements. The Conservation Commission is involved, and the owner of the property was to submit plans to them by March 1. This was done in June, and Mr. Harrington learned that they would not accept the plans. He had the Consv. Comm. and the engineer send a report to the owner. In July there was a meeting with the Consv. Comm., engineers, owners and attorneys. They came to an agreement but again the plans were not acceptable. In September plans submitted were finally acceptable to the Consv. Comm. and an agreement was made. The contaminated soil is to be removed by October 24th.
Phases 2 is the installation of a containment tank and by November 10 a full set of plans must be submitted to the Consv. Comm. showing a pole building and containment area. They will also have to go to the Board of Appeals. All applications for permits must be submitted to the Board of Appeals and Consv. Comm. by November 15, and the work is to be completed by May 1, 1992. If plans are not accepted by the Boards, they will have to submit new plans within 30 days. The Town's concern is that he needs to clean up the entire site to prevent contaminating run-off. He is recommending that the Board extend the present license to the end of the year and put Mr. D'Angelo on notice that his license may not be renewed if he doesn't meet conditions. Mr. Ready asked that we schedule the renewal hearing for the first meeting in December. Motion by Mr. Johnson, seconded by Mr. Logan, unan. to do so.
Mr. Harrington told the Board that the Board of Health has put the DEP on notice and the Consv. Comm. will notify them when the Order of Conditions is issued.

Under Reports, Mr. Ready said that during the Executive Session based on the advice of Town Counsel the Board has voted to release the document dated August 16, 1991 from Atty. Boumil to Mr. Ready. Mr. Logan read a statement drafted by Town Counsel James Harrington (made a part hereof and attached hereto).

Mr. Logan reported that the Traffic and Safety Committee will hold their regular monthly meeting at 7:00 p.m. on October 16 and the Acton Road accident will be discussed.
He reported that he is working on the formation of the committee for his Economic Development Plan, and has attended other Town and City projects.

Mr. Johnson reported that the Volunteer Field - the Senior Little League Field - looks exactly as they said it would and Little League should be commended.
He asked what specific date has been set for the lights on Chelmsford Street to be turned on and Mr. Logan said that October

28th is the completion date.

Town Manager Lynch reported that he has had several calls from the School and Finance Committees asking to meet with the Board to discuss the teacher salary deferral issue and the future financial condition of the Town. The date is set for Tuesday, October 15 at 7:30 pm at the Parker School.

He reported that on the Lowell Landfill the DEP has ordered Lowell to come up with a plan for stopping the use of the landfill. The City is appealing that decision. There will be meetings and we will monitor them.

Mr. Lynch said that on revenues receivable he will have a report by the end of October and Mr. Doukszewicz will report on where we stand tonight. Mr. Doukszewicz said that on outside details we have a flow of $25,000, that he has told the Sewer Department to withhold payments if details are not paid, and that Altid has also paid all their details and property taxes through June 30, 1991. They now have a payment schedule. On personal property taxes the receivables are constant and on rental receivables for Town properties, payments are monitored closely and not a problem.

Under Other Business Mr. DeFreitas read a statement (made a part hereof and attached hereto) on the Beth Kinney v. Bernard Lynch suit, stating that he believes a person is innocent until proven guilty.
Mr. Blomgren said he supports Mr. DeFreitas' statement and feels deeply about the Town having to spend money and expend energies on this matter but he feels what we are doing is prudent.
Mr. Logan commented that when you sit on the Board you do receive phone calls, and can't tell people how we discuss and vote in Executive Session, only that much thought and discussion goes into each vote.
Motion by Mr. Logan that under Chapter 258 we wait until Feb. 18, 1992 when we may get formal notice that we are being sued and that the Board not continue to correspond with the complainant, seconded by Mr. DeFreitas for discussion. Mr. DeFreitas said that the Board has acted prudently and shouldn't do that. Mr. Johnson said that the Town shouldn't close the lines of communication and cautioned his colleagues that 6 - 12 citizens don't constitute a quorum and we don't need to defend our votes or justify answers when we are acting prudently.
Vote on Mr Logan's motion was 4 against, 1 in favor.
Mr. DeFreitas and Mr. Blomgren each said that they would listen to each caller and explain their actions to each one and continue to be answerable.

Under Policy, Mr. DeFreitas moved to adopt the second part of his policy on renewing licenses and delinquent taxes. Mr. Doukszewicz said that the Board can revoke or refuse to renew a license if the delinquency is over 1 year. This is a by-law that we have accepted by adopting the Mass. General Law. The BOS office checks with the Tax Collector every year before renewal and he makes the property owner aware of the delinquency and towards the end of one year he notifies them that we may not renew if their taxes are not paid.

Mr. Blomgern introduced two new policies on Smoking (Mr. Lynch said that the Board of Health has jurisdiction over smoking in public places) and Substance Use and Abuse.

Under New Business Mr. Logan said that re Handicapped Parking he is tired of seeing big non-handicapped cars in handicapped zones and wants the Town Manager and Police Dept. to do what they can to discourage this. He hopes that we can call the police if we see a violation, and Mr. Blomgren said let's ask the Police Chief what other cities and Towns do.

Mr. DeFreitas asked for a recommendation from the Town Engineer on the Canal Street pole.
Mr. DeFreitas said he wants to criticize Chelmsford Independent editor Rick Lombardi for writing that Board members were falling all over each other to vote an All Alcoholic license for Skip's. He said it was not all Board members.

Mr. Blomgren asked if we have departed from the State sign standard. Mr. Lynch said he will check, and added that we are looking into new adhesive road markings.

At 10:15 pm motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to adjourn.

For the Board of Selectmen, by

Judith E. Cantz

STATEMENT... **Richard E DeFreitas, Selectman**

Over this past weekend I received many telephone calls concerning my vote, at last Monday's Executive Session, to subsidize the Town Manager's legal fees in the sexual harassment suit filed against him. Most of the callers are supportive; however, some are indeed angry and think it's politics... as usual. Well, I like to think of myself as a responsible elected official and not a politician, per se. As such, I believe that I am answerable for my actions to the citizens of Chelmsford.

Therefore, I am going to break precedent and fly in the face of advice from legal counsel to make the following statement:

We are fortunate to be Americans. We live in a country that differentiates itself from the rest of the world by honoring certain fundamental rights as guaranteed by the Constitution. One of the most important of these rights is the presumption of innocence until proven guilty. That right alone is what makes America unique. You need only review what is happening in other parts of the world to appreciate this. The same basic right of *innocence until proven guilty* must be applied to the issue that was before the Board of Selectman last Monday.

We have a case in which the Town Manager is accused of wrong doings that allegedly took place during working hours and within the confines of Town Hall. There are many arguments that can be made both for and against these allegations. In order to sort these out, the Board of Selectman has appointed Special Counsel to conduct an investigation. On that note, I have full confidence that Attorney Nyman will be thorough and impartial... I expect a comprehensive report and recommendation at the conclusion of his investigation.

Meanwhile, the Town Manager must be considered innocent until proven guilty. And, it is certainly within our jurisdiction to indemnify the Town Manager for his legal expenses under these circumstances. This we must do if we really do believe in the American system of justice.

Many of the phone callers suggested that the Board acted too hastily and that we should have, instead, agreed only to reimburse the Town Manager if he is found innocent as opposed to the action we took. This implies a presumption of guilt... and is inconsistent with his basic rights under the Constitution.

Let me digress for a moment... *I did not run for Selectman to be Judge and Jury in the Bernie Lynch sexual harassment case. I ran so that I could help solve the many fiscal issues that confront the Town of Chelmsford. There are many contracts to be negotiated this year... not to mention the residual budget deficit and the upcoming budget for next year. This is what I want to tackle. This is what I believe I was elected to do.* **Back to my statement...**

Truth and Justice have a way of rising to the top. I am sure that once this case is concluded, the truth will surface and justice will be served. This is the American way and I fully subscribe to it. If Mr. Lynch is found guilty, I am sure that this Board of Selectman will take appropriate action without any hesitancy whatsoever... including a demand for full restitution of all legal fees.

In conclusion, I believe that the board acted wisely and in the American tradition last Monday. In addition, I believe I acted in the best interest of the Town of Chelmsford... knowing full well that I will not hesitate to support whatever appropriate steps are deemed necessary, if and when the situation warrants it. I expect my colleagues will do the same.

I hope this statement gives you, the concerned citizen, voter and taxpayer some insight as to my actions in this matter.

RICHARD E. DeFREITAS,
Selectman,
Town of Chelmsford

OCT 16 '91 13:03 JAMES T. HARRINGTON P.1 3

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Judy Carter	From Pat Hannon
o.	Co.
Dept.	Phone #
Fax #	Fax #

October 7, 1991

A claim has been made against the Town of Chelmsford, the Board of Selectmen, and the Town Manager by Beth A. Kinney alleging she was subjected to wrongful acts of an employee, namely the Town Manager, allegedly constituting the following causes of action:

(1) Assault & Battery

(2) Intentional and/or Negligent infliction of emotion distress

(3) Violation of Civil Rights

(4) Sexual Harassment

(5) Violation of Privacy

Under Chapter 258 of the General Laws, Beth Kinney must wait until February 18, 1992 prior to bringing suit against the Town of Chelmsford. However, her attorney is of the opinion that this does not prevent him from filing an action against the Town Manager personally at this time.

On September 27, 1991, the Town Manager was served with a Complaint filed in the Middlesex Superior Court. It is our opinion that the allegations in this suit are consistent with the allegations contained in the claim letter of the Plaintiff served on the Board of Selectmen August 19, 1991. After conferring with Town Counsel it is also our opinion that this action was commenced against the Bernard Lynch in his capacity as Town Manager.

The Town of Chelmsford and the Board of Selectmen shall be represented in this action by James M. Harrington, Town Counsel. The Board has been advised by Town Counsel that separate counsel should be appointed for the Town Manager as a question of conflict could arise as Town Counsel is currently engaged in supervising an investigation of the allegations contained in the claim letter dated September 16th from Attorney Boumil.

Under the authority of Mass. General Laws Chapter 258, Section 9 the Board of Selectmen has appointed Michael Collora, Esq. as special counsel to provide a defense for the Town Manager in this law suit. The Town shall continue to provide this defense so long as the allegations pertain to actions of the Town Manager while acting within the scope of his official duties or employment.

The Board of Selectmen is currently conducting an investigation of the allegations under the supervision of Town Counsel and upon completion of this investigation shall review our position to provide a legal defense to the Town Manager and shall not continue to support this defense if it is found that the Manager either acted outside the scope of his employment or in a grossly negligent, willful or malicious manner.

It has been the policy of the Board of Selectmen to provide a legal defense to our employees for any claims brought against them as a result of their employment until

an investigation shows that their actions were in fact outside the scope of their employment. After conferring with Town Counsel it is our opinion that providing this defense for the Town Manager is in the best interest of the Town pending completion of the ongoing investigation as the Town may be held liable for his actions if he were acting within the scope of his employment.

Regular meeting of the Board of Selectmen held Monday, October 21, 1991 at 6:45 pm at the Parker School. Members present were: Mr. Ready, Mr. Logan, Mr. DeFreitas and Mr. Blomgren. Mr. Johnson was absent due to illness. Town Manager Bernard Lynch was also present.

Chairman Ready called the meeting to order at 6:45 p.m.

Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve the minutes of October 7, 1991.
Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve the minutes of the Executive Session of October 7, 1991.

Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve the minutes of the Work Session on September 30, 1991.
Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve the minutes of the Executive Session of September 30, 1991.

Donald Darling, owner of "Pockets" billiard parlor, was present requesting a Weekday Entertainment license. He said he wants to expand the number of tables, including other games, put in a juke box and possibly have a Disc Jockey from time to time. Mr. Ready said he has no problem with the increase in tables but has a problem with music and dancing, since it will raise the noise level. Mr. Darling said they wouldn't have the music any louder than they now have the stereo and wouldn't have bands. They want to be able to increase their table rate, and there has never been a complaint in two years about the noise level.
Mr. Logan asked if the owners of the complex are aware of his plans and supportive, and Mr. Darling said Yes, and they all know that they have signed a covenant never to apply for alcohol or video games.
Mr. DeFreitas asked about the dance area, and Mr. Darling said it is a 20' x 20' area, that normally will have ping pong tables in it. He added that they are going to acquire another 1,000 square feet.
Motion by Mr. Logan, seconded by Mr. DeFreitas, to approve. Mr. Ready said he would approve of everything requested but a Disc Jockey, and Mr. Blomgren said he would be afraid that BumBleBee's would want to have one, too.
Mr. Darling said that everything is going under in Garrison Place, that the local kids want more to do than just play pool, and they want a place for them. He asked if they could have a trial period.
Motion by Mr. Blomgren, seconded by Mr. Logan, unan. to grant a Temporary Weekday Entertainment license thru 2:00 am on January 1, 1992.

Gregory Spring, 31 Amble Road, was present requesting **Roadside Vendor's licenses to sell Christmas trees at two locations:**
1. **55 Graniteville Road, Sully's Ice Cream Stand** - he has sold trees there for the past several years. Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to **approve.**
2. **116 Chelmsford Street, Skip's Ice Cream.** Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to **approve when Mr. Spring brings in written permission from the owners of Skip's,** unless Richard Sullivan can sublet the ice cream stand.

Donald Krohl, Jr. was present requesting a **Roadside Vendor's license to sell Christmas trees at 33 - 45 Vinal Square,** a vacant lot. Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to **approve.**

There were no Reports.

Under **Other Business Mr. Logan** said that the Traffic and Safety Committee discusssed the fatal accident on Acton Road and are going to add speed signs and intall more lighting. Safety Officer Patrick Daley is coming to the next meeting.

Mr. Blomgren reported that Town Accountant Bernard Meyler has problems that he needs to talk about with the Board. Mr. Ready said to ask him in for the November 4th meeting, and reference his letter of September 30.
Mr. Blomgren recommended that the Board delegate one member to attend the **MMA conference** in January. This was not voted.
He asked if Treasurer Jim Doukszewicz is looking into having the **MMA collect excise taxes** and Mr. Lynch said he is.
Mr. Blomgren questioned if we will respond before the deadline re **E-911,** and Mr. Lynch said we have already sent a letter to the State.

Mr. Blomgren then discussed the **closing of Town Offices for 3 days Christmas week,** as recommended by the Town Manager. Mr. Lynch explained how he has contacted the union and has made a trade - if we do this there will be a trade, with no closing the day before New Year's. Mr. Blomgren said he is not comfortable with closing the building and asked the Town Manager to provide an analysis of any cost savings.

Mr. Blomgren introduced a new Policy on Corrective Action. His policy on Smoking, presented at the last meeting, was discussed and Mr. Lynch said there are problems with prohibiting smoking in all Town owned buildings, that he thinks the Board should go along with the Board of Health requirements. The proposed policy will cause problems with making rental agreements.
Motion by Mr. DeFreitas, seconded by Mr. Logan, unan. to table the policy question until the next meeting.

At 7:20 p.m. motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to adjourn to Town Meeting.

For the Board of Selectmen, by

Judith E. Carter

Regular meeting of the Board of Selectmen held Monday, November 4, 1991. Members present were: Mr. Ready, Mr. Logan, Mr. DeFreitas, Mr. Johnson and Mr. Blomgren. Town Manager Bernard Lynch was also present.

During the Open Session of the meeting former Selectman Bradford Emerson was present to discuss the closing of the Lowell landfill with the Board. Town Manager Lynch told the Board about a plan that Lowell has filed with the State, asking for additional time of 3 - 5 years to keep the landfill open, claiming that to close it now as the State has ordered will wipe the City out financially. Mr. Emerson urged the Board to push for the systematic and timely closure of the Lowell Landfill and to resist the full court press currently being applied to the Lowell legislative delegation.

Chairman Ready called the meeting to order at 7:30 p.m.

Motion by Mr. Logan,. seconded by Mr. DeFreitas, unan. to approve the minutes of October 21, 1991.

Chairman Ready noted that there are Webelos from Den 6, Pack 70 and Boy Scouts from Troop 75 in the audience, all working on their citizenshiop badges. He asked Selectman Logan to introduce the boys.

Chairman Ready then announced the Classification Hearing. Board of Assessors Chairman Diane Phillips said that their recommendation is to continue to classify, and that it is up to the Selectmen to set the shift. She stated that once a Town has classified we can't go back to zero classification without hurting residential property owners. She said that we don't have the final numbers yet but at the present flat rate of $14.68 the average home will pay $2,348.80. With a 5% classification shift the rate will be $15.41 commercial and $14.42 residential, with the average homeowner now paying $2,308.88. She showed taxes at each percentage shift on a residence valued at $160,000. Ms. Philips said that the decline in total taxable property last year was over $3,000,000.

Mr. Blomgren proposed raising the business shift to 7%. Mr. Ready asked what was the value drop last year and Ms. Phillips said app. 10% on residential and 20 - 25% commercial/industrial.

No one wished to give input form the public except John Harrington, speaking as President of the Chelmsford Business Association. He said that it is no secret that the vacancy rate is 40% in commercial/business properties, that 5 members of the association went bankrupt last year. He polled the members of the association and found that they provide 300 full-time and 127 part-time jobs to Chelmsford residents. He said the businesses are not asking for special favors - just to pay the same rate as residences.

Mr. Ready closed the Public Hearing.

Mr. Johnson commented that he has always felt that it was double taxes on commercial property to have classification, since it is already taxed at a higher rate than residential. Classification is not meant to subsidize a Town like ours, with 75% residential and 25% commercial properties. He would like to go tack to a flat rate but does not want to incite the residents.

Mr. Logan said that in 1987 the Board of Assessors wanted a flat rate but they now want 5%. He spoke to the Chairman of the Board and they feel it is not time to tax the businesses more. In 1987 businesses were doing well.
Motion by Mr. Logan, seconded by Mr. DeFreitas for discussion, to request that classification be rolled back to 2 1/2% as a compromise, let the Town compromise at a rate of 102.5%.

Mr. Ready said he was a proponent of classification in 1987 because it helped to fund the sewer program. This is not a good time to change the rate, and he does not support the motion.

Mr. Logan said he realizes it is not a good time but property owners are claiming that they can't sell their houses. He has heard that the commercial vacancy rate is 40 - 45%, and he feels that it is time for the Town to show that Town government will work with business.

Mr. DeFreitas commented that most businessmen in Town are also residents and he feels that this is a transitional year and no time to make any kind of change. After this time he will recommend a flat rate, but leave it the way it is for one year.

Mr. Johnson said he did a study of the Towns who classified in 1987 and has found they are in rough times. Those who classified very little,like Chelmsford, are doing a litle better. He now feels that a compromise is the fair way and would go along with Mr. Logan in reducing the commercial rate to 2 1/2%.

Mr. Logan said that the Town of Chelmsford businesses are doing well compared to other towns, but Mr. Ready said he disagrees.

Mr. Blomgren said he doesn't think that Mr. Logan's motion shows what the implications are to homeowners. Mr. Ready added that a 5% tax on businesses represents the cost of sewerage. Mr. Blomgren said that if we retain classfication as it is today the average tax bill will go up by 10%, and evaluations are going down by 8% per year.
Mr. Blomgren told Mr. Logan that if his motion passes the residential taxpayer will be paying 10 1/2% more and businesses 10% less, and asked if that is fair - $15.04 vs. $14.55. He said that this is one of the most important decisions that the Board of Selectmen will make.

Mr. Ready said he has a motion to set the classification at 102.5%. Vote was 2 in favor, (Logan and Johnson), 3 opposed. Motion failed.

Motion by Mr. Johnson, seconded by Mr. DeFreitas, to set classification at 5%.
Mr. Blomgren said that the taxpayers can't take on any mnore burden and he can't endorse staying at last year's 5% - it hurts the taxpayer. A 107% classification would make all taxpayers pay the same. Mr. DeFreitas said he agrees with Mr. Blomgren but this is not the time to make the shift to a bedroom community. Leave it where it is, and Mr. Ready said he agrees.
The vote to leave classification at 5% was 4 in favor, 1 opposed (Mr. Blomgren).

Mr. Ready said that the scheduled meeting with the Town Accountant is actually a Work Session and will be held at the end of the meeting.

Motion by Mr. Logan, seconded by Mr. Defreitas, unan., to approve the issuance of a Roadside Vendor's license for the Little League organization, to sell Christmas trees and wreaths at their Route 110 field in December.

Mr. Lynch told the Board that we have been requested by Mr. and Mrs. Qualters for a street opening permit on Hildreth Street. They need a 900 foot gas line to service their new home. The area has recently been repaved and no permits can be issued after November 15th or within 2 years of repaving without a special permit. We have proposed to the gas company that they use Plum Street as access, since that needs to be upgraded. There was then a discussion by the Board as to where lines run down streets and it was discovered that there are no set rules.
Motion by Mr. Johnson, seconded by Mr. Logan for discussion, to approve and have the means of access on the street which the DPW Director thinks is in the best interests. Mr. Lynch explained the difference between this situation and Mike Sargent receiving permission for his new building on Chelmsford Street. Mr. DeFreitas questioned our Building Permits, and is this part of the procedure. The Qualters said that their new home is already set up for gas appliances and Mr. Lynch said this is a $20,000 installation job.

Mr. Ready said he would support a motion to ask the Town Manager to put pressure on the gas compnay to comply. Vote was unanimous in favor.

Under Reports, Mr. Logan said that the Traffic and Safety Committee is meeting on November 20 at 7 pm and looking into Vinal Square concerns. Mr. Logan said to Mr. Lynch that going up Princeton Street it was not repaved over the bridge. Mr. Lynch

said that the bridge needs renovations and he has written a letter to the State. Mr. Logan noted that we have the same situation on Middlesex Street.

Mr. Johnson reported that the Holiday Decorating Committee is sponsoring a Holiday Prelude the on a Sunday in December and he is asking the media to publicize it. They want to eventually put it on the same scale as the 4th of July Parade.

Under Town Manager Reports, Mr. Lynch said that we have hired a Highway Superintendent - John Long, Groton Road. He delayed the hiring until November 1st but feels it is essential and we can now coordinate the department more effectively. We are at the forefront of privatization and need a coordinator. He and DPW Director Pearson interviewed 7 people, and found Mr. Long most qualified - he has worked with Campanelli and for 20 years as Superintendent of the Watertown Mall.

Mr. Lynch reported that regarding Mr. Emerson's statements on the Lowell Landfill, he has heard that Lowell is asking for a 3 - 5 year extension but the Town of Chelmsford is asking the State to go ahead with the closing and we are asking for a meeting with Sen. Hicks and Rep. Cleven and the State DEP. Our legal counsel is working with the state DEP and residents who have filed suit. Mr. Ready said this could be an opportunity to extend an olive branch to Lowell - we had to close our landfill and now they have to close theirs. Mr. Lynch said he has sent a letter to the DEP, with copies to Sen. Hicks and Rep. Cleven.

Mr. Lynch said that money was set aside for advertising the Veterans' Agent position at Town Meeting and he is advertising. He has already received 5 resumes from military personnel and they appear to be outstanding people. Mr. Ready asked for the job details.

Under Old Business, Mr. Logan said that he has had calls again about the Independent Delivery Service, that deliveries are still being made when people have requested them to stop. Motion by Mr. Logan, seconded by Mr. Logan, unan. to have them come in to our next regular meeting.

Mr. Blomgren asked about the beaver problem and Mr. DeFreitas said that he and the Town Manager went to look at the damages in North Chelmsford behind the glass company.

Mr. Blomgren asked that Chief McKeon be asked for a report on Halloween night, any incidents, etc. or problems having the celebration on the actual night, rather than Sunday.

Under Policies, no new policies were introduced.

Mr. DeFreitas asked if there is a policy on public officials endorsing a certain newspaper, as the Police Chief appeared to do with the Lowell Sun.

The No Smoking policy proposed at the last meeting was discussed. Mr. Lynch said it is correct that the Board of Health prohibits smoking in public buildings but there are designated areas for smoking, and does this include all Town-owned buildings. Mr. Ready said he doesn't think that the schools have any designated areas and should have. Mr. Blomgren asked the Town Manager to put in the proper wordage.
Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to accept the No Smoking policy but allowing the Town Manager to put in the words "except in designated areas".

Mr. Blomgren's policy on Substance Abuse - it was voted unanimously to adopt it provided that it is amended to add "Employee Assistance Program and that the Town will comply with the Drug Free Workplace Act."

Mr. Blomgren's policy on Employee Performance - Mr. Logan asked isn't there something in place right now, and Mr. Lynch said this doesn't supercede or change any union contracts. Mr. Johnson said he has no problem with the policy, but isn't it redundant.

At 9:00 pm the Board moved downstairs to the Conference Room for a Work Session with the Town Accountant Bernard Meyler. Various problems were discussed, and Mr. Meyler's plans for the department. He said that principal clerk Marjorie McCormack is retiring in May and he would like to replace the union clerk with a non-union psrofessional. He asked about trouble with the Union if he does this. Mr. Ready told him not to worry because it would be creating a new position.

After further discussion motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to adjourn at 9:30 p.m.

For the Board of Selectmen, by

Judie E. Carter

PRESS CONFERENCE

The Board of Selectmen held a Press Conference on Tuesday, November 12, 1991 at 1:00 p.m. in Room 204, Town Offices. Present were: Chairman Dnnis Ready, William Logan, Richard DeFreitas and Henrick R. Johnson, Jr. Town Counsel James Harrington was also present.

Mr. Ready read a statement which he handed to the press and is attached hereto. His statement commented on the investigative report prepared by Attorney Philip Nyman (also attached) on the sexual harassment charge brought by Beth Kinney against Town Manager Bernard Lynch.

The Board felt that this claim deserved a full investigation and thus hired Attorney Nyman. His report shows that he interviewed over 20 persons, both Town employees and others, and his reeport "disclosed not one scintilla of evidence which indicated that there was a hostile work atmosphere in the Town of Chelmsford created by sexual harassment". Mr. Ready said that Attorney Nyman was given carte blanche in time and money to conduct a full, thorough investigation. Mr. Ready said that the Board will defend the Town Manager and the Town against these charges, will pay Mr. Lynch's defense and will defend the Town vigorously if a suit is brought in February and will countersue for a frivolous suit. The Town will adopt a written policy regarding sexual harassment and will appoint a two member Board to investigate any claims against elected officials or the Town Manager.

Bob Ellis, Channel 6, Chris Scott, Rick Lombardi and Jordana Hart were present from the media.

It was asked if either the Kinneys or their attorney James Boumil seen the report, and Mr. Ready said No, as far as he knows.

Chris Scott asked Mr. Ready for his perosnal reaction, and he said that when the Board met with Attorney Nyman they were impressed with his thoroughness.

It was asked if this ends the matter and Mr. Ready said no, there is also the civil action and waiting until the 6 months is up in February to see if the Town is sued.

It was asked if the report vindicates the Town Manager and Mr. Ready said Yes.

Bob Ellis asked what was the motiviation for the charges, was it frivolous or were they politically motivated. Mr. Ready said that according to Mr. Nyman's statement Mrs. Kinney expected more out of the job than she got.

Chris Scott asked what does he mean by that and Mr. Ready said that was Attorney Nyman's conclusion.

Bob Ellis asked is there no policy now on sexual harassment or is it weak, and Mr. Ready said it is understood that the Board will not condone harassament but the policy will be put in writing.

Mr. Ready said that if the Kinneys file under Chapter 258 the Board will defend the Town vigorously and countersue for frivolous action.

It was asked have all the Board's questions been answered and Mr. Ready said that as far as the Board looking at Bernard Lynch it is over.

It was asked what is meant by executive officers and Mr. Ready said all elected and higher appointed officials.

Chris Scott asked what the Town paid Attorney Nyman and Attorney Harrington said that we have not received the final bill yet, and Mr. Ready said he saw one bill in the $2500 range.

Chris Scott asked if the Town Manager is available for comment and Mr. Ready said he is in the building.

The conference ended at 1:15 p.m.

For the Board of Selectmen, by

Judith E. Carter

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Dennis Ready, Charman
Board of Selectmen
Town of Chelmsford
Town Hall
Chelmsford, Massachusetts

Dear Mr. Chairman and Members of the Board:

This office was retained by you to conduct an investigation with respect to the potential liablilty of the Town of Chelmsford as a possible Defendant in the case of Beth Kinney v. Bernard Lynch which is now pending in the Middlesex Superior Court. The Town has been noticed by counsel for Kinney that it will be added to the pending litigation. Our investigation began with a review of the applicable law as it relates to the present and future controversy.

The United States Supreme Court in Monell v. New York City Department of Social Services, 436 U.S. 658, 56 L. Ed. 2d 611, 98 S.Ct. 2018) decided that a municipality can not be held liable for the actions of its employees solely on the basis of the existence of an employer-employee relationship. Rather, municipalities will be legally responsible for the acts of employees only where such acts occurred in the "execution of a government's policy or custom, whether made by lawmakers or by those whose edicts or acts may fairly be said to represent

official policy.

The Town of Chelmsford could be liable to Ms. Kinney under 42. U.S.C. § 1983, (the Civil Rights Act) if her alleged injuries were the result of some "policy or custom" of the Town of Chelmsford.

Therefore, the thrust of our investigation has been to determine whether or not officials or representatives of the Town of Chelmsford (other than Mr. Lynch) had knowledge or should have had knowledge of the alleged misconduct of Mr. Lynch, and yet failed to take any remedial measures to prevent injuries to its employees. The Town of Chelmsford will only be subject to liability only under certain conditions.

The Monell Court decided that, under Section 1983 of the Civil Rights Act an actionable "policy or custom" may consist of actions which did not "receive formal approval through official decision making channels."

The First Circuit Court of Appeals (the Circuit whose law would be most persuasive in the present case) has interpreted this line of analysis to mean that a municipality may be liable for inaction, where it "'knew or should have known'" that a town employee was acting in an improper manner "' and then failed to take reasonable measures to rectify the situation.'" (Woodley v. Town of Nantucket, 645 F. Supp. 1365 (D. Mass. 1986) citing, Voutour v.Vitale, 1 Cir 1985, 761 F. 2d. 812, 823, cert. denied, 1986

Under the above reasoning the Town of Chelmsford may be liable to Beth Kinney if actual or constructive knowledge of the alleged conduct of Mr. Lynch was deliberately ignored by

town officials.

We then applied the current law to the specific facts asserted by Ms. Kinney against Mr. Lynch. To determine these facts, this office conducted interviews with more than twenty individuals. We conducted interviews with both men and women. We interviewed town employees, elected officials of the Town and appointed personnel of the Town. We also spoke to persons not employed by the Town. We spoke at length with Beth Kinney in the presence of her attorney and with Town Manager Lynch in the presence of his attorney. The interviews with Lynch and with Kinney were under oath and their testimony was recorded by a court stenographer.

We spoke to almost every one, in person, at either our Law Office in Lowell or in the private office of Town Counsel James Harrington in Chelmsford. (Harrington was not present). All personal interviews were conducted by myself and the witness. A few interviews were conducted by telephone by an attorney in our office. Each litigant was afforded the opportunity to supplement the witness list with suggestions of their own. Beth Kinney furnished two names and both persons were contacted and interviewed. Several others were suggested, but none of these were represented to have any personal knowledge of the facts of the litigation. They were " backround witnesses. " We felt it unnecessary to interview these persons.

All were questioned concerning the Town work environment specifically in the Manager's Office and in Town Hall generally. Most were questioned extensively regarding events that they may have seen transpire between Mr. Lynch and Ms. Kinney or between any other male and female employees of

the Town of Chelmsford. Many were asked how they believed town officials would respond to allegations of sexual harassment by a current employee of the Town of Chelmsford against another.

The response to these questions unanimously disclosed not one scintilla of evidence which indicated that there was a hostile work atmosphere in the Town of Chelmsford created by sexual harassment. In addition, of those asked, each forcefully declared that they believed that Town Officials, both appointed and elected, would take appropriate action in dealing with any allegations of sexual misconduct in the Town of Chelmsford workplace. These responses are a tribute to the professional tone set by Town Officials in this area and are a particular testimonial to the integrity of the elected officials of the Town.

It is to be noted that even Beth Kinney stated that she did not observe nor was she aware of any sexual harassment in the Town Hall (other than her case) or for that matter anywhere in the Town. She expressed full confidence that no elected official of the Town of Chelmsford would tolerate or condone sexual harassment.

Assuming that the statements made in response to this investigation represent an accurate depiction of the employment atmosphere in the Manager's office, in Town Hall and in the entire Town of Chelmsford workplace, Beth Kinney , in a suit against the Town, brought under the Civil Rights Act, Section 1983, should encounter great difficulty in proving that a "policy or custom" (of sexual tension or harassment) existed in the Town of Chelmsford and that there was a policy which permitted such conduct to continue unabated.

It is very unlikely, that, based upon the overwhelming evidence presented to this investigator, that Beth Kinney would be successful in her attempt to impose liability upon the Town of Chelmsford and to collect money from the Town of Chelmsford.

While, it must be noted that this investigation has been primarily limited to a determination of the potential liability of the Town of Chelmsford in regard to this matter, we have not been unmindful of the present allegations which have been asserted by Beth Kinney against the Town Manager Mr Lynch. This investigation could not definitively determine the truth of Ms. Kinney's allegations against Mr. Lynch or the truth of Mr. Lynch's denial of these allegations because of the limitations imposed upon such an investigation.

We did not see or observe any interaction between Ms. Kinney and Mr. Lynch. We did not have the opportunity to see either antagonist under the crucible of cross-examination. Ms. Kinney and her counsel have not selected the desired course of arbitration and mediation, a course best suited for this particular case, but she has has chosen to attempt to win by publicity, intimidation and a trial by a jury. Her goal and that of her counsel is to seek money damages.

It is the opinion of this investigator,based on my experience as counsel for women who have in fact been harassed sexually and limited by the restrictions set forth in the preceeding paragraph, that the evidence presented to me by Beth Kinney and her counsel was less than overwhelming. I did not find her evidence and its very weak substantiation to be of such quality that I could recommend any immediate disciplinary action to be taken by the Board of Selectmen against Mr. Lynch

relating to the allegations of sexual harassment asserted by Beth Kinney. I also believe that the Town is well within its rights and that based upon the evidence of the Plaintiff Ms. Kinney, the Town has an obligation to continue to pay the counsel fees incurred by Mr. Lynch for the continuing litigation. I also recommend that the Board take no public action regarding the allegations of Ms. Kinney as to sexual harassment. I further recommend that the Town vigorously defend when it is added to the lawsuit at the expiration of the six month tort claims notice period.

The allegations of Beth Kinney contain comments and gossip of persons who should never have been brought into or near this litigation. Some of these allegations border on the irresponsible.

Further, it is imperative that, in order to avoid similar allegations and any possible future liability,that the Town take further appropriate action to continue to protect its employees from any sexual harassment in the future.

In this context, I make a number of recommendations. First, a policy should be adopted by the Board of Selectmen whereby an employee may lodge a complaint involving any type of discrimination or harassment, with an independent personnel committee. Ideally, such a committee would be answerable only to the Board of Selectmen and would consist of both a man and a woman authorized to initiate a prompt, thorough and serious investigation of any such complaints. All employees should be informed, in writing, that sexual harassment, of any person by a town employee will not, under any circumstances, be tolerated. Furthermore, all employees should be informed, in writing, that sexual harassment includes any conduct that "has

the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating or hostile or offensive environment" (EEOC, 1980 Guidelines on sexual harassment.).

Further when a complaint is made against an elected official or against the Town Manager that the matter be reported to a specific two person committee whose jurisdiction is limited only to complaints against the Manager or an elected official.

Second, I also recommend that the Town enact such a policy only after a public hearing, widely advertised and hopefully well-attended.

It is our opinion that the evidence disclosed during our investigation that Town Manager Lynch and Beth Kinney developed a friendly and personal relationship with each other while she was a secretary in his office. The evidence further disclosed that this relationship was nurtured during a period when both were personally vulnerable. The evidence caused this investigator to observe that Beth Kinney may have overreached in her employment expectations with the Town of Chelmsford. She sought special work treatment. The refusal to grant these special work conditions may be the basis of her current lawsuit. I in no way wish to imply that this relationship rose to a level constituting sexual harassment.

In fact every female employee whom I interviewed stated without hesitation that Manager Lynch treated all employees equally. It was stated that the Manager was professional and courteous in all of his contacts with female employees of the Town of Chelmsford. It was also stated by most of those whom I

interviewed that Town Manager Lynch relied heavily upon the female town employees and that he afforded them opportunities for advancement.

However, it was also noted that the Town Manager during a particularly vulnerable period of his life conducted the affairs of the Town and his personal relationships in a manner that invited adverse comment, criticism and even gossip. The citizens of the Town deserve to have its affairs conducted in a professional manner not most of the time but all of the time.

On a personal note, I would like to comment that the public officials, both appointive and elected, former elected officials and the employees whom I interviewed were forthcoming, honest and truthful. I could not have received better cooperation. The employees were extremely professional and helpful in their comments and observations and the Town is fortunate to have them. Attorney James Harrington, Town Counsel, afforded cooperation and confidence.

Respectfully submitted,

Philip S. Nyman
Attorney at Law

Statement of Chelmsford Selectmen
November 12, 1991
Dennis J. Reagy, Chairman

At the outset let me thank you for coming here today for this meeting. I am joined here by Selectmen Logan, DeFreitas, and Johnson; and Town Counsel James Harrington. Selectmen Blomgren is away this week on business.

On August 6th of this past summer the Board of Selectmen received correspondence from Atty. S. James Boumil of Lowell representing Milton Kinney. Mr. Kinney, currently a full time dispatcher in the Chelmsford Police Department had been a part-time Assistant Building Inspector. The thrust of Mr. Boumil's letter was a grievance filed with the Board in objection to a requirement of Town Manager Bernard Lynch that Mr. Kinney resign his position in the Inspection Department before his position as a dispatcher could take effect. Mr. Boumil maintained that Manager Lynch was acting on a personal vendetta against Mr. Kinney and his wife due to Mr. Kinney's opposition to a reorganization of the Veterans Agent's office; Mrs. Kinney's cooperation with an F.B.I. investigation; and alleged sexual harassment of Mrs. Kinney while she was employed by the Town as Mr. Lynch's secretary from December 1986 through early June of 1990. The Board's initial inquiry and a subsequent investigation of this matter indicates that the Town Manager acted properly in his requirement of the resignation as allowing the proposed dual employment would have constituted a violation of the Massachusetts Conflict of Interest law. The findings of this employment grievance are contained within a report prepared by Chelmsford Labor Counsel Atty. D.M. Moschos.

At that time in early August the claim of sexual harassment was a very small portion of the employment grievance. On August 19th Mr. Boumil filed additional correspondence with the Town further grieving the required resignation of Mr. Kinney and in a separate letter placed the Town on a six month notice that the Kinney's intended to sue the Town for $100,000 under Massachusetts General Law Chapter 258 citing sexual harassment, infliction of emotional distress, violation of Civil Rights and assault and battery. Several weeks after this notice the Kinney's filed the same charges in a civil lawsuit against Town Manager Lynch as an individual.

Under Chapter 258 the Town has a six month period to investigate the matter and then seek a settlement or deny the claim. The Board of Selectmen believed this claim to be a serious allegation that required a full investigation. The Board values the Town employees and will not tolerate sexual harassment in the workplace. Mr. Lynch was advised that the Board would obtain the truth through a full investigation that would determine the Town's liability and whether there was any substance to this claim.

The Board proceeded to hire Atty. Philip Nyman of Lowell as an independent special counsel to investigate the claim. Atty. Nyman was selected for his reputation as a solid and hard-nosed lawyer who had experience in similar matters. Specifically, Atty. Nyman had represented the secretary of a previous Town Manager in Dracut who had made similar charges that were subsequently proven to be true. The Board believed that Atty. Nyman would be exceedingly fair and thorough in his approach with any bias on the side of the female employee, Mrs. Kinney. Atty. Nyman was provided total carte blanche in the conduct of the investigation with no time or financial limitations.

This past Friday, after two months of investigation with the interviewing of over twenty individuals and the review of various evidence, Atty. Nyman and his office provided the Board with their findings and recommendations in the form of a final report.

Atty. Nyman's report has indicated that based upon overwhelming evidence the Town runs no real risk of liability from Beth Kinney's claim as the interviewee's " disclosed not one scintilla of evidence which indicated that there was a hostile work atmosphere in the Town of Chelmsford created by sexual harassment". Instead, all of the interviewees, including Mrs. Kinney, indicated and declared that Town officials both appointed and elected " would not condone or tolerate sexual harassment" and "would take appropriate action in dealing with any allegations of sexual misconduct in the Town of Chelmsford workplace." Atty. Nyman has stated that " these responses are a tribute to the professional tone set by Town officials in this area and are a particular testimonial to the integrity of the elected officials of the Town."

As for Mr. Lynch, Atty. Nyman's report indicates that there is no evidence, outside of Mrs. Kinney's claims, that would substantiate or indicate sexual harassment or discrimination. In fact, Atty. Nyman reports that "every female employee..... stated without hesitation that Manager Lynch treated all employees equally. (That)..... the Manager was professional and courteous in all of his contacts with female employees of the Town of Chelmsford." and " that Manager Lynch relied heavily upon the female Town employees, and that he afforded them opportunities for advancement."

Atty. Nyman states that the evidence caused him to "observe that Beth Kinney may have overreached in her employment expectations with the Town of Chelmsford. She sought special work treatment. The refusal to grant these special work conditions may be the basis of her current lawsuit."

We were prepared to take appropriate disciplinary action if the report was negative and we are prepared to defend the Town Manager and the Town with the report that we have received. Accordingly, we will accept all of Atty. Nyman's recommendations. First, we will adopt a strong policy regarding sexual harassment and ask the appropriate Boards and officials to institute procedures to enforce this policy including the appointment by the Selectmen of a two person Board to investigate claims against the executive officers of the Town. This Board will consist of one male and one female. Secondly, in the ongoing litigation involving Mr. Lynch we will continue to pay fees of legal counsel that are incurred by the Town Manager. Thirdly, we will vigorously defend the Town if and when we are added to the lawsuit at the expiration of the Chapter 258 six month tort claims notice period. Further, if the Town is added to the lawsuit we will counter-sue Atty. Boumil and his clients for this frivolous claim.

Throughout the past three months, since this lawsuit began, the Board has dealt only in facts and substance. We have not prejudged but instead have sought the truth. As Atty. Nyman has indicated in his report the plaintiff and her attorney have relied upon a strategy of publicity and intimidation. The Chelmsford Board of Selectmen will not allow publicity to dictate the proper course of action for the Town of Chelmsford.

Regular meeting of the Board of Selectmen held Monday, November 18, 1991. Members present were: Mr. Ready, Mr. Logan, Mr. DeFreitas and Mr. Johnson. Mr. Blomgren was out of town on business. Town Manager Bernard Lynch was also present.

During the Open Session Arthur Blomgren, East Chelmsford resident, read a statement he had prepared asking the Board to reverse their vote on classificaiton at the November 4 meeting. He feels that 5% classification does not give any breaks to the elderly or those hard hit by the recession, that we have enough debt with sewerage and trash and don't need to help business. He urged the Board to support the 7% classification proposed by his son Selectman Roger Blomgren
Selectman Johnson responded stating that the word abatement is profanity to business because it means vacancy. We need to give incentives to businesses to come into the Town, and said that two new businesses have come into Town in the past two weeks, which means more taxes and employment. He sympathizes with all taxpayers but thinks the Town has to encourage business.
Mr. DeFreitas responded by stating that if we drive all business out of Town our taxes will increase by 33%, and he would still vote to maintain the status quo. Mr. Ready added that no business or industry has ever been offered a tax incentive by the Town.

At 7:20 p.m. motion by Mr. Logan, seconded by Mr. DeFreitas, to go into Executive Session to discuss pending litigation. Roll Call vote was as follows: Mr. Logan-Aye; Mr. DeFreitas-Aye; Mr. Johnson-Aye; Mr. Ready-Aye.

The Board returned to Open Meeting at 7:50 p.m. Chairman Ready called the meeting to order.

George Gagan, New England Telephone Company, was present with pole petitions.
He presented a joint petition to relocate a pole on Parker Road to facilitate the widening of the parking facilty at Chelmsford Children's School. An abutter Peter DesForge, 133 Parker Road, asked where the pole is going and Mr. Gagan said in front of the fence and a second pole will have to be placed further away to maintain the proper clearances.
Motion by Mr. Logan, seconded by Mr. DeFreitas, to approve. Vote was 3 in favor, 1 abstention (Mr. Ready).

Mr. Gagan then told the Board that he has 3 petitions that do not require a Public Hearing, Private Way Made Public, because they are newly accepted streets and the work laying buried conduit has already been done. The streets are Virginia, Sarah and Nashoba Drives. Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve.

The Board then met with Chairman Bob Kydd and Dan Burke of the Board of Appeals. The discussion centered around the lack of communication between the regulatory Boards and ways to improve it. Mr. Kydd said if he received a Selectman's agenda he would come to a hearing if he had information or questions.
Mr. Ready said that the Board of Appeals, Planning Board, Conservation Commision and Board of Health should do an exchange of agendas so each Board would know what the others are doing.
Mr. Lynch said that he has regular department head meetings scheduled around Selectmen's agendas, and we will get agendas to these other Boards by Friday before a Monday meeting. Mr. Ready suggested that all the regulatory Boards meet a couple of times a year, and Mr. Kydd said that we could also update new rules and regulations. Mr. Lynch suggested such a meeting be held soon so that we could get any proposed by-law changes on the agenda for the Spring Town Meeting.
Mr. DeFreitas suggested assigning each Selectman as liaison to a different regulatory Board and he would be responsible for calling that Board's Chairman the weekend before a Monday BOS meeting. The following assignments were made:
Mr. DeFreitas - Board of Health
Mr. Johnson - Planning Board
Mr. Logan - Board of Appeals
Mr. Blomgren - Conservation Commission.
Chairman Ready will act as overall coordinator.

Mr. Ready then brought up Attorney Philip Nyman's recommendations on a Sexual Harassment policy. He is advising the Board to set up a written policy and to appoint a 2 person Board, one male and one female, for employees to bring any harassment charges to if the charge is brought against any executive officer.
Mr. Ready said he wants to go further and appoint a committee of 9 people, with a majority of them women, to come up with a policy on not only sexual harassment but all women's issues in the workplace and wants the committee to hold open public hearings.
Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to do so.

Finance Director James Doukszewicz was present with 60 notes for the Board to sign.

The Board then met with the Solid Waste Advisory Committee to see where we're going in the next 3 - 5 years.

Mr. Lynch introduced the members of the Committee - Norm Eisenmann, David Turocy, Catherine Brown, new member Allen Beebe and Barbara Scavezze, ex officio. Mr. Ready asked Ms. Scavezze if she needs any votes from the Board tonight and she said no, only a general direction.
Ms. Scavezze went over a handout she had prepared, and asked the Board if they want to get out of the trash business and voluntary advisor Joel Carp reminded them that Town Meeting voted for the Town to stay in the business for the next fiscal year.

Ms. Scavezze said that the SWAC wants to maintain the present service but add one bulk item per week and put on a higher price tag. Mr. Lynch said we want to minimize the risk to the Town and the cost to the residents. Mr. Ready asked if the haulers want this bulk item and Ms. Scavezze said that with only one item per week they can handle it with their regular trucks. Mr. Carp said that we should figure out what the average bulk item will weigh and ask the haulers to build the schedule into their bid.

Ms. Scavezze said the SWAC has discussed a hauler collection flat rate, which means less risks to the Town and the hauler, but little incentive to haulers to stop picking up those who haven't paid.

Mr. DeFreitas suggested a policy: 1. go for a minimal guarantee to the hauler in the contract; 2. minimal administration cost; 3. pay for what you put out - base fee on useage; and 4. give condos the option to participate.

Ms. Scavezze said the Committee is recommending a per household charge. Mr. Carp said the big issue is would we guarantee 80% and Mr. Ready said he thinks we should ask the haulers to come up with a price, with no guarantees. Mr. Carp said he wants the program run like a business, easy to administer and to use.

Mr. Ready said he hears the committee recommending that we say to the bidder give us a price for every home which participates. Mr. Eisenmann asked if the Board wants a flat rate or per household charge and Mr. Ready said the Board wants per household charge. The SWAC wants a guaranteed minimum, to get the costs lower. After discussion Mr. Ready said the consensus of the Board is no minimum. Ms. Scavezze pointed out that the present haulers are asking for a minimum and Mr. DeFreitas said don't ask them what they want. Mr. Lynch warned that the prices won't be as good, that we will have to be careful with the bidding laws and spell things out in the specs.

Placing a limit on the number of items collected per household per week was discussed, with the Committee recommending no more than 5 items because they feel this would help eliminate sharing, but Mr. Ready said the Board doesn't like limiting.

The contract cost increase was discussed. Mr. Ready said he wants a 3 year contract, with a stated cost per year rather than based on the CPI and the Board agreed on a 3 year contract with a fixed price.

The style of billing was discussed, with Mr. DeFreitas asking if the hauler can do his own billing on a quarterly basis. Mr. Ready said that with privatization (hauler billing) the Town is only negotiating, and we should vigorously pursue them doing the

billing. The Finance Director commented that it is no longer illegal to include the trash bills with the tax bill mailing.

Mr. Carp pointed out the **advantages of in house billing** - that if there is a dispute between the hauler and the customer we can mediate it, and Mr. Ready said if we ask the hauler to do the billing the Town will still act as creditor/monitor. Mr. Carp then said that the Town won't get the interest on the money if we don't do the billing and that this can run between $20K - $40K. Ms.Scavezze said that in the first year BFI would have administered the contract for $70K but we did it for $40K and made interest of app. $22K.

Frequency of billing was the next point discussed and Mr. Ready said the BOS likes quarterly but feels that $12K for postage is out of the question. The preference of Mr. Lynch and SWAC is annual billing and the Finance Director also agrees because this would cut down on the postings.

They discussed **subscriber identification** - we are not doing it now and it won't be a problem if the hauler does the billing. Ms. Scavezze wants a permanent tag on each house but the BOS wants a computerized route sheet.

Recycling was then discussed. Ms. Scavezze said that plastic adds a lot to the cost. A hauler could put a compactor on his truck for $7,000 per vehicle, which would cut down on the bulk caused by plastics. Mr. Beebe said that Arlington paid a chipper $50.00 per ton for plastic drop-off. Mr. Johnson asked SWAC to look into the cost for taking plastics. Ms. Scavezze said that Westford, Chelmsford and Tyngsboro all want to look into having drop off places. She said we are now looking at collecting recyclables every 4 weeks, with a drop off place for plastics. She asked if the BOS supports going with an affordable program and Mr. Ready said Yes.

Multi-family dwellings (4 units or more) - Ms. Scavezze said if they have curbside trash collection they could do recycling the same way, and if a condo complex, each building would have to pay. It will be an option for condos and multi-family dwellings - for both trash and recycling.

At 9:35 PM motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to adjourn.

For the Board of Selectmen, by

Judith E. Carter

Regular meeting of the Board of Selectmen held Monday, December 2, 1991. Members present were: Mr. Ready, Mr. Logan, Mr. DeFreitas, Mr. Johnson and Mr. Blomgren. Bernard Lynch, Town Manager, was also present.

During the Open Session Mrs. Delores Blomgren was present to speak again on the classification vote taken by the Board on November 4th. She expresed concern about the residential taxpayers, stating that the 5% classification rate favors the commercial/industrial taxpayer. Mr. Johnson told her that if the rate was 7% rather than 5 the average homeowner would pay $24.00 per year less.
Mr. DeFreitas said the best way to ease the burden is to have business fill the empty space, that it is not a tax problem but a valuation problem, and we need to ask the businesses to help. Mr. Ready said the value of a business is related to how much empty space they have. Mr. DeFreitas added that to normalize we would have to go to 25 - 30% classification, and at what point do we stop - we now need to show stability. Mrs. Blomgren said she is concerned about the average residential taxpayer and the vacant homes in Town, and Mr. Ready said that the Town has always had a 20% residential turnover. Mrs. Blomgren again asked the Board to reconsider their vote on classification.
John Harrington of the Chelmsford Business Association said that the association is not happy with classification, that they feel they are all over-assessed.

At 7:20 p.m. motion by Mr. Logan, seconded by Mr. DeFreitas, to go into Executive Session to discuss pending litigation. Roll Call vote was as follows: Mr. Logan-Aye; Mr. DeFreitas-Aye; Mr. Johnson-Aye; Mr. Blomgren-Aye; Mr. Ready-Aye.

The Board returned to Open Session at 7:30 p.m.

Chairman Ready called the meeting to order at 7:30 p.m.

Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve the minutes of the November 4, 1991 meeting.

Motion by Mr. Logan,. seconded by Mr. DeFreitas, to approve the minutes of the November 12th Press Conference. Vote was 4 in favor, 1 abstention (RAB since he was not present).

Motion by Mr. Logan, seconded by Mr. DeFreitas, to approve the minutes of the November 18th Regular Session. Vote was 4 in favor, 1 abstention (RAB because he was not present).

Motion by Mr. Logan, seconded by Mr. DeFreitas, to approve the minutes of the November 18th Executive Session as amended and not to be relesed until litigation is completed. Vote was 4 in favor, 1 abstention (RAB because he was not present).

Mrs. Donna Johnson, Chairman of the Holiday Decorating Committee, was present to tell the Board and the public the Committee's plans for **Sunday, December 8th.** At 4:00 pm Santa will come to the Common, and stores and businesses in the Center will stay open and serve refreshments and give out token gifts. There will be strolling bell ringers and carolers, childrens' songs at 5:15 p.m. and the traditional tree lighting ceremony at 5:30 p.m. Mrs. Johnson said that all are invited and they are hoping for a good turnout. Mr. Johnson asked if they have coordinated the traffic flow with the Police Department and she said yes, that the Auxiliary Police have been wonderful in helping the Committee.

The **Town Meeting Restaurant** is petitioning for a change in corporate name, but they have rescheduled to the next meeting.

Under **Reports, Mr. Ready** said that at the last meeting each member took a major regulatory board to contact prior to our meetings to go over the agenda. He contacted the Chairman of the Conservation Commission and they have no problems with our agenda tonight.

Mr. Ready reported that we have received correspondence from the Westford Legislative Action Committee stating that they are going to look at the State and ask why Local Aid continues to shrink. Her will put the letter in the Signature Folder.

Mr. Ready asked the Town Manager to contact the High School Athletic Dept. to find out what Fall teams we should acknowledge.

Mr. Ready asked for a **Moment of Silence in Memory of Francis "Bud" Conlin,** call firefighter since 1962 and regular firefighter since 1964, who passed away last week.

Mr. Logan reported that sewer tie-ins on Littleton Road appear to have been completed and the Traffic and Safety Committee is concerned about when the road will be resurfaced. He asked the Town Manager to check on this.

At 7:45 p.m. the Board held a **Public Hearing on the application of International Restaurant, One Village Square, for a Wine and Malt Beverages license.** Selectman Logan left the room due to a possible conflict of interest.
Souhil KassHana, owner and manager, said that he needs a license to complement his dinner menu at night, that business is very slow. He said they now have 56 seats and he plans no major changes. Beer and wine will be served only at the table by waitresses. The former licenses have been surrendered for these premises, so he is applying for a new license.
Mr. Johnson asked for his experience in serving liquor and Mr. KassHana said he has none. Mr. Johnson said there are a number of schools on this subject and asked if he would go and Mr.

KassHana said yes. Mr. Johnson said he would approve the license subject to the completion of a course.
John Harrington, owner of a package store, said that there is a course called TIPS, and that completion of it would also save on his liability insurance. He suggested that Mr. KassHana talk to the state restaurant association.
Mr. Blomgren said that when Mr. KassHana obtained his Common Victualer license in October he said he would not be applying for a liquor license. Mr. KassHana said he did not know that that included Beer and Wine and that he didn't expect business to be that slow at night. He said the hours requested are 11 am - 11 pm 6 days a week. He submitted proof of notification to abutters.
Mr. Johnson asked Mr. KassHana to come back in two weeks with proof that he has enrolled in a TIPS course.
No one present spoke in favor of or opposition to this application. The Board will vote on December 16th.

Mr. Logan rejoined the meeting.

The Board then heard **Mr. Logan** speak on the progess of his **Economic Development Partnership**, which he first presented last May.

He said he was overly optimistic about the future then, that the economy is bleak now and we must look beyond 1991 and be cautiously optimistic.
Mr. Logan said that he has been working on forming the Committee for his Economic Development Partnership, and has spoken to officials in many cities and towns both locally and across the nation.

He restated the goals of the plan, stating that the partnership lets people know what we have and what we can offer as a Town. The GNP is the lowest since the days of Harry Truman. The goals of the partnership are many, and depend on the makeup of the group. Their first meeting will be January 10, 1992, and Mr. Logan will present the names of the 17 committe members prior to this first meeting. He added that ex officio members of the committee will include the Town Manager, State Rep., DPW Director and Chairman of the BOS.

Under **Reports from Board Members**, **Mr. DeFreitas** said he went over the agenda with Dr. Canniff of the Board of Health, and they have no problems with this meeting.
He also reported that Friends of the Library will be selling T-shirts and sweatshirts on Saturday, December 7 from 9 to 3 at the Carriage House.

Mr. Johnson reported that the traffic lights are now working on Route 110 and said he wants to praise Chairman Ready for his tenacity in having the lights installed. He was the one who has kept the project alive. Mr. Ready thanked him and said there have been an unbelievable number of people involved.

Mr. Blomgren said that he agrees with Mr. Johnson that the work that has been done is very positive. Mr. Ready commented that we have finally fixed the traffic problems and now the traffic is gone.

Under **Town Manager Reports** Mr. Lynch said that the **Adopt-A-Park Program** has completed its second year, that it was the brainchild of Jim Pearson and that the Park Dept. employee has had time to work on the larger fields and do preventive maintenance thanks to the volunteers taking care of the smaller parks. Mr. Ready asked to have them scheduled to attend the next meeting for recognition and asked the Town Manager to look into the President's Thousand Points of Light. Mr. Blomgren asked for a list of "orphan" parks for the next meeting..
Mr. Lynch reported that the **Computer and Technology Committee,** made of up volunteers and Town employees, has had their first meeting and their goal is to develop stratgegy for computerization.
He reported that there will be a meeting at the Library Wednesday morning to recognize their volunteers.

He reported that the **FY93 Budget Manual** has been sent to the departments, asking for level funding proposals. All collective bargaining agreements end this year and level funding provides no salary increases for them.

Mr. Lynch reported that the **Police Department has participated in a grant award program** with 8 other communities - $50,000 from the Department of Justice. Our share will pay the cost of our drug unit. He added that the DPW is ready for the predicted storm tonight and we are hoping for another mild winter.

He reported that the Town is in negotiations with the company who took over the 12 **Altid properties** to work out the payment of back taxes.

Mr. Ready said that the response for serving on the **Sexual Harassment Committee** is going well, and that he is sending a letter to Town Employees asking for a male and a female representative and also a letter to the School Department asking for a representative. He hopes to make the appointments at the next meeting.

There was no report from the Town Accountant.

Under Other Business Mr. Ready said that on liquor license inspections the Board is looking for the proper display of licenses, security of the liquor, any changes to the property, etc. He asked the Board to plan on Saturday, December 14th for the inspection tour.

The Board voted to approve the following licenses that have been issued by the office:
1. Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve the one-day Auctioneer's license issued to MJR Auctioneers for Saturday, November 30th.
2. Motion by Mr. DeFreitas, seconded by Mr. Logan, to approve the 1-day All Alcoholic license issued to St. John's Church for December 14th. Vote was 4 in favor, 1 abstention (WRL).
3. Motion by Mr. DeFreitas, seconded by Mr. Johnson, to issue a 1-day All Alcoholic license to St. Vartanantz Cultural Center. Vote was 4 in favor, 1 abstention (WRL).
4. Motion by Mr. Logan, seconded by Mr. DeFreitas,unan. to issue a Roadside Vendor's license to Al Liguori to sell Christmas trees on Drum Hill Road.
5. Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to issue a Roadside Vendor's license to Little League to sell Christmas trees at their Rte. 110 fields.

Under Policies, Mr. Blomgren asked if the Board wants to approve his submitted policy on sexual harassment, and Mr. Ready suggesteed that he submit it to the committee when it is established.
Mr. Blomgren said he is submitting an Open Door policy.
The Town Manager submitted several Personnel Board policies, noting that they will not replace any other policies that have been adopted by the Board.
Mr. DeFreitas asked if we have a policy on endorsing newspapers by Town employees, noting Chief McKeon's endorsement of the Lowell Sun. Mr. Lynch said he has spoken to him and it will not happen again. Mr. Ready said he finds nothing wrong with it, but Mr. DeFreitas said he should do it as a person, not from a Town employee's position. Mr. Johnson said he also finds nothing wrong with the ad.

Mr. Ready asked that under Review of Existing policies alcoholic beverages policy and a check-off sheet be placed on the agenda for the next meeting.

Under Appointments the Town Manager reported that Jeanne Parlee has resigned from the Holiday Decorating Committee and he has appointed Mrs. Carrie Bacon, 4 Driftwood Drive, to replace her as recommended by Donna Johnson, Chairman. Mr. Ready asked the office to send Mrs. Parlee a Certificate of Appreciation.

Mr. Lynch announced that he has appointed Jeffrey Stallard, 146 Tyngsboro Road, to the Historical Commission for a three-year term.

Mr. Lynch reported under Contract Awards that the bid for trash tags has been awarded to the low bidder Picken Printing.

Under New Business Mr. Ready said that the Library Trustees have asked the School Committee for the use of the land behind McCarthy School to be used as space for a future library. They should turn the land over to the Town with no caveats if it is not wanted by the schools. Mr. Ready said an article should be submitted for the Town Meeting warrant if they intend to do so. Mr. Ready asked the Town Manager to ask the School Committee look at any empty space they may have - the Parker School, for example.

Mr. DeFreitas asked for a continuation of the Open Session and gdave a handout regarding Classification, stating that this is an evaluation problem, not a tax issue. He stated that the difference between 5% and 7% classification amounts to only a $16.00 savings on the average residential tax bill but $131.00 on the average business bill. To really equalize we would have to go to at least 25%. Now is the time for stability, not creeping classification. If the Board reconsidered, his vote would stay the same. The solution to the problem is to fill the vacant spaces, and businesses should be helping Selectman Logan's commtitee fill the vacant space.

Mr. Blomgren said that regarding Classification, he had asked for numbers and came up with the 107%. In the future he feels the Board should get the input on Classification, digest it and then vote at the next meeting. Mr. DeFreitas commented that once we raise the Classification rate we will never get it back down. Mr. Blomgren stated that the intention of his recommending the 107 figure was to try to protect the average homeowner, and in the future he wants to wait to vote and be more informed. Mr. DeFreitas said that he will work with anyone in Town on a professional level to try to find something equitable.

Under New Business Mr. Blomgren received a letter from Edward Ganshirt of Lexington, who works on Rte. 129 and has problems getting to work and has suggested that we look at the LRTA routing. Mr. Blomgren suggested that Mr. Logan ask Bob Maguire to join his committee. Motion by Mr. Blomgren, seconded by Mr. DeFreitas, unan. to give the letter to Mr. Logan to have the Traffic and Safety Committee look into Mr. Ganshirt's suggestions and write to Mr. Ganshirt telling him of our actions. Mr. Lynch said he had looked into extending the bus line down Rte. 129.

At 8:50 pm motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to adjourn.

For the Board of Selectmen, by

Judith E. Carter

Regular meeting of the Board of Selectmen held Monday, December 16, 1991. Members present were: Mr. Ready, Mr. Logan, Mr. DeFreitas, Mr. Johnson and Mr. Blomgren. Town Manager Bernard Lynch was also present.

During the Open Session former Selectman Bonita Towle Hahn addressed the Board, telling them and the Community that she is fighting ovarian cancer and that the early detection of this disease will save her life. Her reason for speaking out is to urge anyone not feeling well to go to the doctor. Her cancer is borderline, and she will have surgery on January 2nd. Her family is very supportive and she knows she will have the support of the residents of Chelmsford.

Chairman Ready called the meeting to order at 7:30 p.m.

Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve the minutes of the meeting of December 2, 1991.

Mr. Lynch then explained the Adopt-A-Park Program, saying that DPW Director Jim Pearson started the idea, that the park staff will be able to take care of the large areas if volunteers handle the smaller areas. This summer will be the third year of the program.
Chairman Ready then presented Certificates of Appreciation to the following: Valley Green Landscaping; Chelmsford Garden Club, who took care of Town Hall and the North Chelmsford monument, and also plantings at McFarlin Manor; Dick Codling and Dick Burkinshaw, who took care of the small triangle at Worthen Street and North Road. Dick Codling said they would love to decorate the blue spruce on that triangle and Mr. Ready suggesetd that they contact the Holiday Decorating Committee. Others receiving Certificates were: Keith Schuster, Parkhurst Square, at North and Davis Roads; Andy Sillenge, Chelmsford Rotary Club - Emerson Square; Mark Stott, DunRite-Landscaping, Worthen and Westford Streets; Kevin Stott Landscaping - Adams and Bartlett Streets; and David O'Brien, Harvey Square.
Mr. Ready thanked all who participated on behalf of the Town.
Mr. Ready thanked Jim Pearson for the concept of Adopt-A-Park, and Mr. Lynch read a list of "Orphan Parks" to be adopted. Mr. Pearson said when they started they expected civic groups to participate and now are finding friendly competition between local landscapers.

Mr. Pearson then gave an update on the Snow and Ice Account. The storm on December 3rd was an ice storm; 8 hired trucks couldn't get in, and the cost was app. $43,000 for the storm.
The storm on December 6th was a snow storm, which was handled in house for a cost of $5400; there were some complaints re the lack of scraping, which was not done because it grew warmer. Today he called out all the hired sanders. Mr. Pearson told the Board

that we have "jump" routes for plows, and 6 drivers who are not assigned until needed. The Supt. has divided the Town into 3 sections, for himself and the two foremen to oversee. They have fired 2 hired drivers for not shaping up and for poor performances last year.
Mr. Blomgren asked if we call a Snow Emergency and Mr. Lynch said only if it is snowing at night. Concern was expressed at the Dept Head meeting on how to get cars off the streets.
Mr. Pearson announced that there is sand for residents at the corner of Graniteville and Old Westford Roads.
Mr. Blomgren asked for requirements for hired drivers - do they need communication equipment. Mr. Pearson said it is a big expense for some and is not required. He said there are two men on the 11 - 7 shift and will be three after Christmas, and they are trying to increase the screened sand stockpile. He added that we have to date spent $64,000 out of a budget of $350,000, which includes repairs, snow tires and the salt/sand stockpile. We can store about 600 tons in the salt shed.
Mr. Pearson told the Board the cost of a 8 - 10" storm is $25,000 - $30,000, but the way to judge a storm is not by inches of accumulation but by length of the storm.

He introducd John Long, the new Highway Superintendent.

Attorney James Geary was present representing **North Chelmsford Auto Parts.** He introduced Alan Hanson, a Westford Civil Engineer who has been helping owner Charles D' Angelo. Mr. Geary presented the plan for the overall cleanup of the site and Mr. Hanson explained the plan, showing a containment slab, on which all vehicles would be drained into 55 gal. drums and the parts covered with motor oil. The site is in a Flood Plain so they will have to go to the Board of Appeals. Mr. Geary explained that this plan was submitted to the Conservation Commission on Dec. 4, without the contour lines, and the lines will be added for their Dec. 18 meeting. The hearing with the Board of Appeals is on Jan. 9 and if approved, they will start construction in early April and finish in May.

Mr. Johnson asked for an explanation of the time frame and Mr. Geary admitted that they haven't met all the deadlines but are doing what was asked. They are in the process of building a temporary containment area. He added that communication with boards and commissions has not been good.

When Mr. Ready asked, no one present was in favor of this license renewal. **Mike Sweeney, abutter at 7 Sleeper Street,** said there is still a problem of trucks leaking when being transferred and he has thrown sand on the spills when he couldn't reach Mr. D' Angleo, since he doesn't want to see hazardous leaks when there are children in the area. Mr. Sweeney continued that Mr. D' Angleo owns a dilapitated building at the corner of Sleeper Stret

and Tyngsboro Road, with the shingles blowing of the roof. Mr. Geary said if he had notified the Board of Selectmen they would have contacted him. He will meet with the Building Inspector on this matter.
Mr. Johnson said he hopes this won't continue every year, that Mr. Sweeney has to come in at license renewal time.
At 8:25 pm Mr. Ready closed the open portion of the hearing.

Mr. Ready said he has spoken with Conservation Commission members and they are not happy with the situation - they feel they are being told what they want to hear.

Town Counsel James Harrington said he was at the Conservation Commission hearing and confirmed what the Board has been told. When Mr. D'Angelo met with the Board on October 7, the Board voted to renew his license thru December 31st. On Oct. 23 he wrote a letter to Mr. Geary stating what was expected by the BOS and Conservation Commission. They have not seen what was asked for and now damage is being done to Conservation land. He is recommending that the Board postpone any vote on the license until we see what is presented to the Conservation Commission.
Motion by Mr. Logan, seconded by Mr. DeFreitas, unan to extend the existing license to the first BOS meeting after Jan. 9th and to have Mr. D' Angelo present.

A **Dog Hearing** was then held on a Doberman **named Axel owned by John Krasnecki, 143 Concord Road.** Franklin Warren, Dog Officer, Mr. Krasnecki and **Dora Larrabee, complainant**, were all sworn in by Chairman Ready.
Mrs. Larrabee said that her 4 1/2 year old grandson likes to play outside in her yard at 5 Sonora Drive but is terrified of Axel and since they never know when the dog will show up in the yard, the child can't play outside. She has kept a record for the Dog Officer and Axel hasn't been in the yard for a couple of weeks, since he received a notice of the hearing. She wants to be assured that the dog will continue to be kept home.
Mr. Krasnecki then testifed, stating that he has the Doberman to protect work sites. He was issued the 4 citations when he wasn't even in Town. He stated that the dog does not run loose - that either he or his 6-year old daughter is in the yard with him when he is out. He admitted that the dog may run onto her property once in a while, and said he does not like being fined when he is not at home.
Mrs. Larrabee said that she had asked Mr. Krasnecki to come to her yard to introduce her grandchildren and the dog, and he did that once. She added that she puts out stale crumbs for the birds and they might attract the dog.
Mr. Krasnecki then said the problem is his mother - she tends to let the dog out alone even though he has asked her not to. He knows it is his responsibility to keep the dog in his yard, but he doesn't know why he is getting citations when he is not home.

Mr. Ready asked if he has any suggestions and Mr. Krasnecki said he will assume more responsibility in watchng the dog.
Dog Office Warren said he has talked many times with Mrs. Larrabee and asked her to keep a log of when the dog is in her yard. He has seen the dog there twice but can't catch him and he is the same dog who has been cited. Julie Griffin, Mr. Krasnecki's girlfriend, said she has seen another male Doberman on Concord Road.
Mr. Warren said he has issued citations on this dog 4 times, and Mrs. Larrabee has noted the dog in her yard 21 times. He explained the leash law - a dog can be on the owner's own property unleashed, but when he leaves the propery he must be on a leash or under the owner's control.
The Board then discussed the situation.
Mr. Ready said that the complainant only wants the dog not coming into her yard, and wondered if we could have Mr. Krasnecki pay $75.00 for the first 2 citations and guarantee to keep the dog on his own property and if an incident occurs again we will take stronger measures.
Mr. Blomgren asked Mr. Lynch if any citations have been contested in the normal process through the Town Clerk, and when Mr. Lynch said No, Mr. Blomgren said let the 4 citations stand, since Mr. Krasnecki is aware of the normal process as outlined on the back of the citations. It is his responsibility, not ours.
Mr. Logan recommended making him pay only the two citations when the Dog Ofice actually saw the dog in Mrs. Larrabee's yard.
Mr. DeFreitas recomemnded having him pay 2 and suspend the other 2 unless there is a further violation.
Mr. Ready asked if the Dog Officer will accept that compromise and Frank said Yes, if it works.
Motion by Mr.Johnson, seconded by Mr. Logan, to have Mr. Krasnecki pay for 2 citations and promise to keep the dog in the yard. Vote was 4 in favor, 1 opposed (Mr. Blomgren). Mr. Blomgren asked Mrs. Larrabee to call him if the dog is in her yard again.
Mr. Ready commented that this is the most lenient he has ever seen the Board on a Dog Hearing, that Mrs. Larrabee is being real neighborly and to Mr. Krasnecki, your dog will be a 2-time offender if this happens again.

Attorney Joseph B. Shanahan, Jr. was present to request changes in liquor licenses. He said that Robert J. Scharn took over the **Town Meeting Restaurant** in 1982 and at that time the Board transferred the Lum's All Alcoholic license to him. The licenses have always read "Robert J. Scharn and Adie Bros. Inc." but the financial obligation to Adie Bros. was paid off in 1991 and the corporate name is now Robert J. Scharn, Inc.
Motion by Mr. DeFreitas, seconded by Mr. Johnson., to accept the change in corporate name. Vote was 4 in favor, 1 abstention (Mr. Logan due to a possible conflict of interest).

Mr. Shanahan then said that re **Roslyn Shops Inc. and H.J. Services**, in November, 1988 the Board approved a pledge of licenses to Baybank Norfolk, but they were issued to Baybank only and the bank now wants the licenses to note Baybank South (formerly known as Baybank Norfolk).
Motion by Mr. DeFreitas, seconded by Mr. Johnson, to note the change in the bank name on the upcomiong licenses. Vote was 4 in favor, 1 abstention (Mr. Logan).

Under **Reports, Mr. Ready** said that the Board conducted their annual liquor license inspections, and brought infarctions to the owners' attention.

Mr. Logan said he has had another **complaint** re the **Independent Delivery Service**. If it happens again he will have them in again and if continues we will take stronger measures.

Mr. Johnson asked the Town Manager for an **update on the bridges** that we don't control, noted the truck parked under the bridge on Rte. 110 and also noted potholes and iron in the roads. Mr. Lynch noted that there are a number of bridges in need of work and the Princeton Street bridge is the worst and he has spoken with Rep. CArol Cleven. Bridges needing work should be brought to the attention of the Mass. DPW, and he will try to get a status report form them.

Mr. Blomgren said he has received another letter from Edward Ganshrt. We had sent him a letter telling him that his first letter and maps were turned over to the Traffic and Safety Committee. He had called Mr. Blomgren over the weekend. He has done a lot more work and it should go further than our T and S Committee. The Town Manager will forward his plan to LRTA and NMCOG. We will send him another letter acknowledging receipt of his work and tell him that we are sending it on.

Mr. Ready read a statement that he is not running for re-election to the Board. He said he will miss it, that he loves being a Selectman and has missed only 2 meetings in 12 years. He cited family needs and an interest in County government as his reasons for not seeking a 5th term.

Mr. Johnson also read a statement that he is not running for another term, after 17 years on first the Planning Board and then the Board of Selectmen. He said that Boards in the future will have to balance fiscal responsibility vs. the quality of life.

Under **Town Manager Reports,** Mr. Lynch said that re the Hunt and Littleton Roads signalization we have filed the final documents for permits to the State.

He will have a complete report on the Route 110 paving on January 6th and a status report on the Princeton Street bridge.

Mr. Lynch stated that **tax bills** will be going out in the next few weeks and the fact that we got the tax rate approved shows that we are in good condition.

The Board then discussed the **approval of license renewals for 1992.** Motion by Mr. DeFreitas, seconded by Mr. Johnson to approve the renewal of all licenses except the following as listed by the Town Manager:
Faulty Fire Alarm Systems: BumBleBee's Rest., Hong & Kong Rest., Town Meeting Rest., Chelmsford House of Pizza and D'Amico's Pizza Plus;
Personal Property Taxes Unpaid: Early Bird Snack Bar, Gary's Ice Cream, Tony and Ann's Pizza and Meadow Lounge;
Real Estate Taxes Unpaid: Apple Country Club, Medow Lounge and KAP Liquors.
Sign By-Law Violations: Shell Food Mart, Bickford's Family Restaurant, Chelmsford Quik Mart, Tony's Used Cars and Country Club USA.
Trash Tags Owed: McMahon's Chelms. Inc.

The motion was amended to add to allow them to continue in business under their current licenses until the next meeting of the Board on January 6th. Vote was 4 in favor, 1 abstention (Mr. Logan due to a possible conflict of interest).

Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to **approve the change in name for a portion of Grove Street** from Grove Steet to Summer Street.

Motion by Mr. Johnson, seconded by Mr. DeFreitas, to **approve the issuance of a Beer and Wine license to International Restaurant,** Souhil KassHana, Manager, since he has proved that he has enrolled in a course on serving alcohol. Vote was 4 in favor, 1 abstention (Mr. Logan)

Under **Policies**, there were no New Policies. **Mr. Blomgren** explained the **Open Door Policy** he had submitted at the last meeting. Mr. Ready said he has problems with it: 1. It puts the Board in an operational position; and 2. the Board has always had an Open Door policy to employees and residents. Mr. DeFreitas said he feels the policy goes beyond being a policy to becoming procedure.
Mr. Blomgren explained that his policy gives employees the option to skip levels of management and changes the working environment. The Board agreed that the first sentence of Mr. Blomgren's policy should be included in any employee handbook, but Mr. Johnson questioned the need for a policy like this, it is too detailed.

Motion by Mr. DeFreitas, seconded by Mr. Blomgren, unan. to table this policy for re-introduction at a later date.

Mr. Lynch had presented Personnel Policies at the last meeting. He gave a brief review of the subjects covered: 1. Recruitment and Affirmative Action; 2. Reimbursement Policy - must be approved by Supervisor; 3. Employee Standards of Conduct; 4. Employee Political Activities - not part of job; 5. Conflict of Interest; 6. Employee Safety; 7. Orientation Evaluation; 8. Classification/Compensation; and 9. Performance Policy - appraisal system.
Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve.

Under Review of Existing Policy, the Board had received a list of Policies and Procedures in the issuance of all types of licenses from the BOS office.
Motion by Mr. Johnson, seconded by Mr. DeFreitas, unan. to table this for further review by the Board.

Under Appointments, motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to appoint members of the Sexual Harassment Committee. Mr. DeFreitas said we have had 7 applications, and have asked for 2 members from the School Department and read the following names: Kathy Redican, Bonita Towle Hahn, Phillip H. Hicks, Jean Sparks, Sandra Kilburn, Cookie Shugrue-Sundgaard, Peter Bagni and Barry Bell and Cathy Helean from the School Dept.

At 9:45 p.m. motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to adjourn.

For the Board of Selectmen, by

Judith E. Carter

Regular meeting of the Board of Selectmen held Monday, January 6, 1992. Members present were: Mr. Ready, Mr. Logan, Mr. DeFreitas, Mr. Johnson and Mr. Blomgren. Town Manager Bernard Lynch was also present.

During the Open Session of the Meeting Bob Joyce, Sewer Commissioner, was present to tell the Board that he had been going to bring in a petition regarding the limiting of terms of elected office to two terms but his counsel has told him that this is more involved than he had first thought so he will not be bringing in the petition for this Annual Town Meeting but later. Mr. Joyce said there are still many people who feel there are loopholes in the present charter.
Mr. Johnson asked him to look into three areas for him: 1. accountability; 2. terms for regulatory Boards should not be limited to two - it takes two terms to begin to know all the rules and regulations; 3. Town elections only draw 25 - 40% of the voters, so you have an educated elctorate.

Chairman Ready called the meeting to order at 7:30 p.m.

Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve the minutes of the Executive Sessions of November 8, 1991 and December 2, 1991.

Mr. Ready then presented Certificates of Appreciation to Fire Department members. He said that Firefighter Francis Conlin has passed away and that the Board wants to award him a Certificate of Appreciation for 30 years service posthumously. Margaret Conlin and her sons accepted the award. Mr. Ready then presented a Certificate to Firefighter Arthur Anderson, who is retiring after 33 years in the Fire Dpeartment. Fire Chief Robert Hughes was present for the presentations.

Jim Brough, 14 High Street, had turned in a petition asking the Board to put a question on the 1992 Town Election ballot. He read the names of the ten individuals who had signed the petition asking the Board to request our Senators and Representative to urge Congress to cut the defense budget by 10% each year for the next five years. Mr. Johnson said that as long as they have the ten signatures needed we should vote to put the question on the ballot and let the Townspeople vote. Mr. Lynch said he will find out when the Board must vote to accept the petition or not.

Mr. Merwin Nixon, 7 Marshall Street, was present to ask the Board for an Emergency Street Opening Permit to his home at 7 Marshall Street. Mr. Nixon said he is declaring an emergency at his home, since he has no hot water and his electric water heater is gone. He has looked into both gas and electric heaters and gas is much more economical if the Board will grant the Emergency Permit. He can have the gas installed at no cost, and also the rental of the

heater and other services. Mr. Lynch said the By-law says there shall be no street openings after November 15th, since weather conditions make patching difficult, and added that DPW Director Pearson had declined the request, saying that it was not a real emergency.
Mr. Johnson commented that we had a similar situation on Bartlett Street a couple of years ago when a permit was granted, and this is only the second request in his six years on the Board. Mr. Lynch commented that Marshall Street is not in the best condition and and one cut won't really hurt it.
Motion by Mr. Johnson, seconded by Mr. Logan, unan. to grant the Emergency Permit.

The Board then met with **Peter D' Ambruoso, owner of Old MacDonald's Chicken Farm of North Chelmsford.** Mr. D' Ambruoso said that when they applied for their license he wasn't sure how the **entertainment license** should be approached, and he wants the Board to make him aware of what he should do.
He understands that the current entertainment license is only for functions, and since business is so slow he wants to hold dances, with a one-man band and slow dance music. He has contracted with Ray Marquetti, entertainer at the Turkey Farm in Nashua. He would play in the lounge and the function room, both on the back side of the building. There will be no "rap stuff", and no loud lounge-type music. He would put it in writing that there will be no rock music, only 40's and 50's type music for couple dancing. They have booked the Booster Club and Cub and Boy Scout banquets, and the one-man band will provide entertainment. They will serve chicken hors d'oeuvres in the lounge, and have quiet, live entertainment. Mr. D' Ambruoso said that they have a problem with their midnight closing, that they did not even open on New Years's Eve, and Mr. Ready told them to ask for an extension for New Year's Eve next year.
Motion by Mr. DeFreitas, seconded by Mr. Johnson, to **grant permission for Old MacDonald's to have quiet, live entertainment in their lounge.** Vote was 4 in favor, 1 abstention (Mr. Logan).

Attorney Gregg Haladyna, of Geary and Haladyna, representing the **Chelmsford Housing Authority**, appeared before the Board to ask their support for a Comprehensive Permit the Authority is seeking from the Board of Appeals. It is their intention to put a 2-unit residential building on a parcel of land they own adjacent to the Senior Center on Groton Road. CHA Chairman Ruth Delaney had presented the plan to the Board prior to the October Town Meeting, at which an easement was voted for the sewer line. The CHA has received funding from the State and is applying for the Comprehensive Permit on January 16th.

Architect Barry Buchinski presented the site plan and a 3-dimensional model of the 4,600 sq. ft. building. Ms. Delaney said that this is a basically a **Respite Care** facility, with 8 bedrooms, and that the clients who may be handicapped or retarded will be there overnight, but not on a permanent basis.
Motion by Mr. Johnson, seconded by Mr. Logan, unan. to **send an endorsement to the Board of Appeals on this project.**

The Town Manager explained the **process for placing a question on the ballot.** If the BOS turns down a petition with 10 certified names on it, the petitioners can obtain the signatures of 10% of the registered voters and the petition will automatically go on the ballot.
Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to **place the peace petition on the ballot for the April 7 Town Election.**

Selectman DeFreitas then made a presentation to the Board on his **Entrepreneurial Support Project (ESP)**, reading a letter he had sent to the Town Manager and the Board. He gave the background of what led to him starting the project, his own unemployment and finding that there are no jobs available and the situation is getting worse. He feels that the economy is not good for employment but good for starting a new business. He is forming ESP to complement Mr. Logan's Economic Development Partnership. He will bring together unemployed local professionals basically but anyone who wants to start a new company or enterprise is welcome to come to the meetings. The only requirement is that the person be a resident of Chelmsford. He will create a data base and a register of persons involved. He himself will help anyone do a business plan, and has asked to hold meetings in Room 204 on alternate Monday evenings. The first meeting will be January 13, 1992.
Mr. Blomgren and Mr. Logan both suggested that he contact WIN, a local group for unemployed with app. 300 people involved. Mr. Ready commented that he doesn't think that WIN is a networking group, that EPS sounds different.
Mr. Blomgren suggested that he use Cable 43 as a bulletin board.
Motion by Mr. Logan, seconded by Mr. Johnson, unan. that the Board of Seletmen support ESP and ask the press to do the same.

Under **Reports, Mr. Ready** said he had received a letter from Funk and Wagnall's Encyclopedia and is turning it over to Mr. Logan's committee to do an update on the Community's businesses for the encyclopedia.

Mr. Logan requested that a representative from **Independent Delivery Service** be present at the January 27th meeting and if they will not attend Mr. Logan will make a motion to have them banned from delivering in the Town. He had another call from a resident today complaining about unwanted deliveries.

He reported that the **EDP comnmittee is meeting for the first time on Friday** at 7:30 am at the Courthouse Raquetball Club. The public and press are invited for this one time.

Mr. Logan also reported that the Traffic and Safety Committee is meeting on January 15th.

Mr. Johnson asked about the truck parked under the 495 overpass on Rte. 110 and moved to give the owners one more week to get it out of there, or have it towed to the Highway garage. Motion was seconded by Mr. Logan. The Town Manager said that the truck is not on Town property but he will make it a top priority to contact the State. Mr. Blomgren said make sure it is legal to do this. Vote on Mr. Johnson's motion was 4 in favor, 1 opposed (Mr. Blomgren).

The **Town Manager reported** that the first part of the Personnel Rules and Regulations has been completed and adopted by the Personnel Board. He thanked all members of the Board, including former member Penny Fitts.

Under **Other Business**, a petition was received for a **change in manager at Ted's Market**, Chelmsford Street, from the late Julia Chianis to Pearl Koulas.
Motion by Mr. DeFreitas, seconded by Mr. Johnson, unan. to approve this change in manager.

Under **Licenses that have not been renewed Tony's Used Cars** was in violation of the Sign By-law. Chairman of the Sign Committee John Harrington was present and said that Mr. Ferreira is coming before his committee next week.

Karol Kapala from KAP Liquors was present. His license has not been renewed because he owes back taxes. He presented a letter from a bank stating that they will make a loan to him so he can pay the taxes, but it is not finalized yet. Mr. Ready asked if he will know by the 27th and he said he hopes so.
Motion by Mr. Johnson, to table until the 27th. Mr. Blomgren added that he wants to make sure not only back taxes are paid but that they will also stick to a payment schedule. Motion seconded by Mr. DeFreitas, unan.

Early Bird Snack Bar - still owes Personal Property taxes, and no one was present.
Motion by Mr. Blomgren, seconded by Mr. Logan, uann. to send a Certified Return Receipt Requested letter that we will rescind their license on January 27th if the taxes are not paid, and post a Public Hearing.

Tony's Used Cars - motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to send him a Certified Return Receipt letter that we will be voting on the renewal of his license on January 27th and post a Public Hearing. Mr. Lynch said that this is an issue of zoning, that the Building Inspector says he is not in compliance with the Sign By-law.

Motion by Mr. Johnson, seconded by Mr. DeFreitas, to vote to renew the licenses on the list that were not renewed on December 16th. Vote was 5 in favor, with Mr. Logan qualifying his vote to include only those establishments that are not in conflict with The Courthouse.

On **Policies Previously Presented**, motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to accept the policies and procedures on licenses.

The Town Manager said that he has **appointed Kevin Cody, 96 Richardson Road as Veterans' Agent** at a salary of $24,000 per year, with full benefits. Mr. Lynch said we advertised and received app. 20 applications. Mr. Cody has outstanding qualifications, and will have an office at the Senior Center. Motion by Mr. Logan, seconded by Mr. DeFreitas, unan., to support the Veterans' Agent appointment.

Under **Contract Awards**, Mr. Lynch said that the **audit firm of Brown and Barrett** will extend their contract for three years. Mr. DeFreitas said he would approve a 2-year contract. Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve **a 2 year contract at $21,000 per year** and have Brown and Barrett attend a pre-engagement meeting with the Board to cover the areas of focus and areas of concern that the Board has.

Under **New Business**, Mr. DeFreitas and Mr. Logan both said that they want to ask people to run for Town Meeting Rep, that there should be at least 12 - 15 running in each precinct.

At 8:45 pm motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to adjourn.

For the Board of Selectmen, by

Judith E. Carter

Regular meeting of the Board of Selectmen held Monday, January 27, 1992. Members present were: Mr. Ready, Mr. Logan, Mr. DeFreitas, Mr. Johnson and Mr. Blomgren. Bernard Lynch, Town Manager, was also present.

During the Open Session, Harriet Fishman, Massage Therapist, was present to ask the Board how to change sthe zoning by-law so she would be able to treat her clients out of her home at 70 Crooked Spring Road. Mr. Ready told her that we have no zone for massages and when they were permitted formerly, it was under the Board of Health. He added that if she brings in a petition with at least 100 signatures by February 10th, the Board would probably call for a Special Town Meeting within the April Annual Town Meeting.

Sam Poulten and Linda Allen were present from the Democratic Town Committe re the congressional redistricting plan proposed by the Legislature. He is asking that a letter from the BOS be sent to everyone involved asking them to please keep Chelmsford whole and attached to Lowell. Mr. Poulten also invited everyone to their meeting on Thursday to discuss redistricting and jobs in this economy.

At 7:25 pm motion by Mr. Logan, seconded by Mr. DeFreitas, to adjourn to Executive Session to discuss pending litigation. Roll Call vote was as follows: Mr. Logan-Aye; Mr. DeFreitas-Aye; Mr. Johnson-Aye; Mr. Blomgren-Aye; Mr. Ready-Aye.

At 7:40 p.m. the Board returned to Open Session and Mr. Ready called the meeting to order. Mr. Logan read names and presented certificates to Girl Scouts from Troop 806 who were in attendance at the meeting.

Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve the minutes of December 16, 1991 (Regular and Exeuctive) and the minutes of January 6, 1992.

Attorney Jane Brock Wilson and Mike Adams, area supervisor, were present from Papa Gino's petitioning for a change in corporate ownership from Papa Gino's of America to Papa Gino's Acquisition Corp. Atty. Wilson read a statement giving the background of the acquisition ands the principals involved, and noted that Bonnie Griskevich is the current manager of the Chelmsford store and no change is anticipated. Mr. Ready noted that this past December when they inspected for liquor licenses it was the best inspection Papa Gino's has ever had.
Motion by Mr. DeFreitas, seconded by Mr. Johnson, to approve the transfer of ownership subject to the condition that the general operating practice will remain the same. Vote was 4 in favor, 1 abstention (Mr. Logan due to a conflict of interest).

The North Chelmsford Auto Parts Class III license renewal was then discussed. Mr. Johnson said it appears that Town Counsel seems satisfied that we can extend the license until June 1, 1992 and the problem should be solved by then.
Motion by Mr. Johnson, seconded by Mr. Logan, unan. to extend their Class III license to June 1st as recommended by Town Counsel. Mr. Ready explained the background of this matter to the Girl Scouts.

Michael DeCellis, Manager of the Carrier Delivery of the Independent Delivery Service of Beacon Publications, was present at the Board's request. Mr. Ready told him that Board members are receiving many complaints re their delivery service. Mr. DeCellis submitted a list of Do Not Delivers and a memo sent to all their agents and employees. He explained that the first time a carrier delivers to someone on the DND list he is suspended for a week and if there is a second occurence, the carrier is terminated. He mentioned the names of John Harrington and Dr. Paul Canniff and said he has tried to contact them both.
Mr. Logan said he had asked people to call him and they have. He said the big concern is if the papers pile up, a house could be broken into. Mr.Johnson said the next time we get a complaint, we will suspend their town wide deliveries for a week. Mr. DeCellis asked if a Town can ban a newspaper company from Town, and added that they have 23 other Towns with no problems like Chelmsford. He really wants the problem to stop and showed the Board his route book, adding that there are some problems in the house or mailboxes are not marked with street numbers. Mr. DeFreitas said if he has to come before the Board again, bring his contact sheet of follow throughs on complaints.

The Board then held a Dog Hearing against the Doberman owned by Larry Harmon, 35 Grandview Road. Mr. Ready swore in everyone who wished to testify.
Dog Officer Frank Warren said that from April 28, 1991 to Jan. 11, 1992 he had received 14 calls re a barking dog at that address. The dog was barking at odd times, anywhere from 7:45 am to 3:00 am. He has only seen the dog once so they must let him out at night. He has not heard the barking, but the police have. Mr. Ready said the Town Clerk indicates that the dog has not been licensed since 1987.
The dog owner was not present at the hearing. Mr. Johnson moved if we get one more complaint the dog should be banned from Town and Mr. Ready said he should be if he is not properly licensed.
Peter Kingston, 43 Grandview Road, said he has called the police at night quite a few times and no one answers the door when the police come. He added that he spoke to the owner in July and the dog still barked all night and now the dog is being left out in this cold weather, too.

Dr. Roy Steiman, 25 Grandview Road, said the dog was barking at 3:00 am this morning and he called the police. He had spoken to the owner last April.
Barbara Kingston, 43 Grandview Road, said that the police have come when called but they go to the front door and can't hear the dog. The dog is in a "jetty" at the back of the house.
Carrie Steiman, 25 Grandview Road, said the dog is a dangerous dog, that he has come after her dogs and said that there is also another dog in the Harmon house. She has gone to the house and no one will answer the door.
Since the dog owner is not present and we have not received the Return Receipt card, Mr. Johnson moved, seconded by Mr. Blomgren, unan. to **Table the hearing until Feb. 10th** and to send a letter to be hand carried by the Police Dept. to Mr. Harmon stating that if: 1. he does not attend the next hearing; 2. if he does not pay the back license fees; 3. if he does not restrain the dog so he won't bark; or 4. if we receive another complaint the Board will vote on Feb. 10 to have the dog removed from Town.

Under **Reports, Mr. Ready** said that we have a new microphonse system in the meeting room donated by the Chelmsford Businessmen's Association and President John Harrington said we can definitely hear better in the audience. Mr. Johnson asked to especially thank Paul Sullivan, who installed the system, and he received a round of applause. Motion by Mr. Blomgren, seconded by Mr. DeFreitas, unan. to send a letter of appreciation from the Board to the Association.

Mr. Ready asked the Town Manager about the **quarterly tax bills**, noting that a resident Harry Rubenstein had complained that there are no reminders. Mr. Lynch said we have tried to work on this, that one idea is that the residents can give us self-addressed postcards to send to remind them. We are trying to get money in the FY93 budget to actually send bills quarterly.

Mr. Ready said he had attended the first meeting of Mr. Logan's **Economic Development Partnership** and Mr. DeFreitas' **ESP program** and was very impressed with the attendance at each and the enthusiastic attitude of those in attendance.

Mr. Logan said we had asked for an **update on repaving Littleton Road** and the Town Manager gave the backround on the matter - the Sewer Commission has an agreement with the developer, who is supposed to pay $400,000 for repaving. The money will go into an account, with $10,000 for each unit sold. They hope to have something done by June, 1992. Mr. Logan said that the Traffic and Safety Committee discussed this the other night and want to make it a priority, and Mr. Lynch said the State is also concerned.

Mr. Logan said he has talked with the Police Dept. about soliciting after hours and there is no law on non-profit organizations.
He reported that the proposed **traffic lights on Hunt and Littleton Roads** have receivead final state approval and there is $120,000 in an escrow account. He congratulated Mr. Lynch and DPW Director Jim Pearson on accomplishing this.
Mr. Logan said re the proposed change in the LRTA Route by Edward Ganshirt of Lexington, there will be a meeting betwen Mr. Ganshirt and the LRTA
He said that his **Economic Development Partnership** is going nicely, and the first thing they want to do is to get a prospectus together about the Town. They want to have a booth at the MMA Trade Show next year. He said that Mr. DeFreitas is working from the bottom up, and his group from the top down, and both are going to mesh.

Mr. DeFreitas reported that he went to Mr. Logan's meeting and was impressed. His ESP group had 26 applicants at the first meeting and their next meeting is February 3rd, at which time Dick Main will talk on starting a new business. He has received offers of help from companies and individuals, and they will be offering discounts to members.

Mr. Johnson congratulated both Mr. Logan and Mr. DeFreitas on their enterprises and said that both show a very positive intent. He reported that Purity is moving to Vermont and other Greater Lowell area communities are asking them to reconsider the move. He is asking the BOS to do this also - ask them to save the plant and jobs in this area, and if they don't want to stay in Billerica, we could take them in Chelmsford. Motion by Mr. Johnson, seconded by Mr. DeFreitas, unan. to do so.
He thanked Mr. Lynch and Marian Currier of his staff for getting the truck that was parked under the Rte. 495 bridge moved.
He also thanked the Boston Herald for a good article about Chelmsford.

Mr. Blomgren reported that if realtors have prospective companies who might consider moving to Town he would be glad to call on them, and maybe Mr. Ready should send a letter to commercial realtors. Mr. Ready said that Mr. Logan's committee should draft this letter and send it out. Motion by Mr. DeFreitas, seconded by Mr. Johnson, unan. to do so.

Mr. Blomgren asked if we have enough snowplows under contarct for a major snowstorm and Mr. Lynch said that last year we developed a mapping system, holding plow drivers to certain routes. Drivers also have to meet certain standards, and we have filled all the routes of any drivers let go. Mr. Blomgren said a resident had questioned him. Mr. Lynch said we wwait for app. 3

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inches of snow before we start plowing. It costs $4,000 - $5,000 asn hour after that, for a minimum of 4 hours, but our first priority is public safety.

Under **Town Manager Reports Mr. Lynch** reported that the **budget** is moving along and he is waiting for a few final figures. He is glad the Governor has level funded State Aid but we will get $200,000 less than last year.
In the budget request to the School Dept. the base includes the $950,000 override and he has added $650,000, which is 4% over FY92. They may have Chapter 70 monies.

Mr. Lynch has sent a letter to the Board of Health asking them to investigate possible uses for the capped landfill on Swain Road - to sell methane gas, or use as a green area.

At the next meeting Mr. Lynch will have a list of the 20 Towm Meeting articles, including two re-zoning articles.

Under **Other Business**, Mr. Lynch noted that KAP liquors has paid their taxes in full today, and are showing a good faith effort. Motion by Mr. DeFreitas, seconded by Mr. Blomgren, unan. to renew their license for 1992.

Motion by Mr.Logan, seconded by Mr. DeFreitas, unan. to **approve the Voter Registration dates** as requested by the Town Clerk.

Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to **approve the Town Clerk's recommended polling hours** for the April Town Election, 10 am - 8 pm. The site for the Annual Town Meeting is tabled until the Feb. 10th meeting.

Motion by Mr. Logan., seconded by Mr. DeFreitas, unan. to approve the installation of a **Stop Sign at Ansie and Turnpike Roads**, as recommended by the Safety Officer and the Traffic and Safety Committee.

Mr. Lynch explained the **summer pay referral for teachers**, which was rejected by the Nashoba Valley Technical High School District. the Town must endorse their refusal. Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to do so.

Mr. Ready said that the Democratic Town Committee is against the **congressional redistricting plan**, and we have a letter from Lowell City Manager Richard Johnson against the proposed plan. Motion by Mr. Rhodes Johnson, seconded by Mr. DeFreitas, unan. to send a letter to the Governor and appropriate parties stating a. we want to see all of Chelmsford kept in one district, coupled with Lowell, and b. we do not want to see Lowell coupled with Worcester.

Mr. Lynch said he has **appointed Kit Harbison to the Cultural Council**, replacing Sandra Stewich. Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to support this appointment.

Under **New Business, Mr. Ready** commented that Rep. Susan Rourke has been appointed to a committee on the environment. He moved to send her a letter, telling her that we closed our landfill when it was still flat and we expect that Lowell will adhere to the timetables that DPE has sent them.

Mr. Ready said his mother had read an article about the contaminated soil around underground gas tanks and a DPW worker had suggested taking them to highway yards to use in "mix in place". He asked the Town Manager to look into this concept.

Mr. Ready said that the Town might be able to stimulate the economy by **enacting a by-law that no personal property tax will be charged this year on products manufactured in Massachusetts.** He asked the Town Manager to look into the legality of this.

Mr. DeFreitas said he wants to see the Board invite all BOS candidates to come to speak before the Board for two minutes during Open Session and ask Channel 43 to cover this. Mr. Ready said this should be an annual event and invite them for the first BOS meeting after the close of nomination papers. Motion by Mr. Johnson, seconded by Mr. Ready, to do so. Vote was 4 in favor, 1 opposed (Mr. Logan).

Mr. Blomgren asked for the **status of the Solid Waste RFP's.** Mr. Lynch said he will report on the status of trash and recycling at the next meeting.
Mr. Blomgren asked if there has been a change of owners at the gas station at the corner of Alpine Lane and Chelmsford Street.

Motion by Mr. Defreitas, seconded by Mr. Logan, unan. to grant license renewals for 1992 to Tony's Garage and Early Bird Snack Bar.

At 9:20 p.m. motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to adjourn the meeting.

For the Board of Selectmen, by

Idie E. Carter

Regular meeting of the Board of Selectmen held Monday, February 10, 1992. Members present were: Mr. Ready, Mr. Logan, Mr. DeFreitas, Mr. Johnson and Mr. Blomgren. Town Manager Bernad Lynch was also present.

During the Open Session of the meeting Tom Moran, Precinct 3 Town Meeting Rep. was present asking the Board to help with a problem residents in his neighborhood are having with the Stoney Brook Rod and Gun Club (also called Fish and Game Club). Although the club is in Westford the abutters are predominately from Chelmsford. Mr. Moran said the club has undergone a great expansion during the past two years, adding that the homes in the area are about 30 years old, the gun club was there first and there were no problems for 20 years but they have added a second skeet shoot and archery shoot. There is now a public nuisance, with shooting from dawn to dusk and an incredible noise. Mr. Moran feels they are denying the neighbors the right to enjoy their homes and said that last fall they had 400 - 500 people from all over the state. He asked the Board to help provide some relief from the noise.
Mr. Ready said that he and Sel. DeFreitas have met with Westford Town Manager Bob Halpin. We will try to set up a joint meeting with Chelmsford and Westford and will contact the neighborhood through Mr. Moran as their rep. The Board is supportive of the neighbors and Mr. Ready said that Westford has historically been very cooperative with us. Mr. Moran said he has tried to call the Club to meet with with them but to no avail. He said the shoots are much too close to the homes in Chelmsford, and the club's operation has gotten much too big for the neighborhood.

Tom Mills, Precinct 7 Town Meeting member, addressed the Board about the latest flyer sent out on the Recycling Program. He said he had received it in the mail on Jan. 29th asking him to sign up for 6 months of recycling. By that date he would already have missed 3 pickups, and he doesn't understand the reasoning and math used in the flyer. He also gave reasons not to recycle newspapers and said that the glass and metal recycling by-law supposed to take effect in 1993 won't be implemented. He asked Mr. Lynch if recycling deficits will be made up out of enterprise funds, and also asked how effective the flyers were - the cost of the flyers, postage, labor, and how many new people signed up. He also noted that there have been no tonnage figures from Laidlaw for 14 months, and it is in their contract that they must submit these figures.

Attorney Joseph B. Shanahan, Jr. was present with a petition under CH 39, Section 10 - a rezoning article. He is requesting an article be placed on the warrant to rezone a 21-acre parcel of land off Mill Road and Route 129, now zoned IA, to residential. Mr. Logan left the room during this discussion.

The principals on the Stonegate real estate project have an agreement with the owner Ray Carye to purchase this property, subject to rezoning it to residential. His clients wish to buy the property and downgrade the zoning - to put up more condo units. They could have up to 148 units, but are proposing to build only 83.
They are asking to put it on the warrant because: 1. it is an attractive proposal; 2. Mr. Carye owes the Town money and this sale could help the Town; 3. the Board wants an economic upturn and this would be part of it.
Mr. Ready said this article would be too late for the Annual Town Meeting, but the Board is considering a special meeting within the annual meeting. They are also considering delaying the ATM until late May. Mr. Logan returned to the meeting.

Chairman Ready called the meeting to order at 7:30 p.m.

Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to **approve the minutes of the meeting of January 27, 1992 (Regular and Executive).**

George Simonian, CHS Alumni Association, was present to tell the Board about the induction into the **Second Annual Hall of Fame** on March 21st at the Radisson. He read the names of the inductees and asked the Board and residents to attend. Mr. Logan commented that the Hall of Fame Committee had 24 nominations, and it was hard to choose only nine.

Arthur Stratton from **New England Telephone Company** to request the **relocation of one pole on Groton Road** 12 feet in a westerly direction. The height of the pole will be raised from 35 to 40 feet so the wires on the pole can also be raised. There will be no work in the roadway.
Motion by Mr. Logan,. seconded by Mr. DeFreitas, unan. to approve the relocation of the Groton Road pole.
Mr. DeFreitas asked Mr. Stratton to look at the poles in the middle of a few streets off Riverneck Road in East Chelmsford, e.g. Canal Street.

Attorney Dennis McHugh, representing Harriet Fishman, spoke to the Board presenting a **petition requesting an article be placed on the warrant to amend the zoning by-law Article 5 to include massage therapy as an exclusion.** Richard Day will have the Board of Health regulations on massage parlors. Mr. Ready said that the Board will be required to call a Special Town Meeting within the ATM, since we have two petitions and have done this many times before, since there is no extra cost to the Town if the Special falls within the ATM. Mr. Logan said that there is an economic hardship on Ms. Fishman and she has submitted 100+

He said that he has met with the Supt. of Schools and the CH of the School Committee and they have budget concerns about what will they get from the State - if nothing, they have serious budget problems. There is $478,000 still to be made up.
Mr, Lynch said he is recommending delaying ATM to May 18, 21, 25 and 28.
Mr. Ready said he has counted 18 non-budgetary articles and suggested starting on April 27th with those and delay the budget as long as possible by meeting on April 27, May 4 and May 18 and putting budget articles last.
Mr. Lynch said he will have the language for the articles by Feb. 24th.
Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to start ATM on April 27th, and continue to May 4 and May 18 and all other times to be set by Town Meeting and the by-law.

Under Reports Mr. Ready said that during Open Session Attorney Shanahan turned in a petition for an article on the STM warrant. Mr. Logan stepped down from this discussion. Motion by Mr. DeFreitas, seconded by Mr. Blomgren, to include the Mill Road re-zoning article on the STM Warrant. Vote was 3 in favor, Mr. Logan not voting due to a possible conflict of interest and Mr. Johnson not voting because he was not present during the discussion.

Mr. Ready commented on two articles re Chelmsford in the papers recently - Paul Sullivan in the Lowell Sun and the Boston Globe's Community Profile on Saturday. He would like to send a letter to the professional columnist at the Globe thanking him for the good article, and a copy of the article and the letter to the non-professional journalist at the Sun.

Under Reports, Mr. Logan asked where are we going with BluePrint 2000 - Mr. Lynch said that it has been put on Hold, that it was a joint committee with reps. from the FinCom, BOS, School Committee, Town Manager and Supt. of Schools, and should be revised.
On the matter of the Independent Delivery Service, he said he has received another list of DND's and a letter from Michael DeCellis saying that they are still working on the problem. He agdain asked anyone receiving unwanted deliveries of this material to contact him.
Re the Licensing of Solicitors he has learned that the policy in Town is profit orgnizations may solicit from 9 am - 6 pm and on non-profit groups we have no by-law at present.
Mr. Logan said he agrees with the news articles - that Chelmsford is the best place to live.

Mr. DeFreitas reported that at his second ESP meeting there were app. 30 people in attendance. He has posted a bulletin board outside Room 204, Town Offices and the next meeting is scheduled for February 19th.

Under Town Manager Reports, Mr. Lynch said that he has looked into the using of contaminated soil from around storage tanks. It could be used at the Highway yard as "mix in place" except we no longer use it. Brox Co. in Dracut does take the soil and use it as mix in place if delivered, and the DEP has to approve the transportation of contaminated soil.

On the Budget, he will give a package to the FinCom Wednesday night and will make a more formal presentation to the BOS, FinCom and School Committee on Feb. 24th.

On the Solid Waste Program and Recycling Programs, Mr. Lynch said that the newest recycling mailing cost $661 to mail out and we have received $720 to date as a result of the mailing. Our receipts are 66% of what we have anticipated for the year, and we expect a deficit of $75,000 total for solid waste and recycling. 6900 (69%) of the households in Town participate in the solid waste program and 5135 (59%) participate in the recycling program. The amount of trash is up 5% over last year but there is a drop in the sale of trash tags. The deficit will be made up, with trash funds being used for trash and recycling for recycling.
Mr. Lynch gave Board members copies of the new Request for Proposals, and outlined the specs for the Board, stating the number of options is much greater in the new specs. He will get a summarized version ofd the changes for Mr. Blomgren. Mr. Blomgren said that the SWAC has put a lot of work into these specs.

Under New Business Mr. Logan said that there has been much discussion of the Charter adopted in 1989 and he wonders if the Board can appoint a group of one member each from the BOS, School Comm., Personnel Board, FinCom, two of the original Charter Commission members and one TM rep. from each precinct to review the Charter and see what changes are needed. Mr. Ready said we should ask Town Counsel what options are available for Charter review. Mr. Johnson said he is afraid we will be creating another Charter Commission if we have 9 -12 people review it, Mr. Logan said we need to look at upgrades and changes, and Mr. Ready said he thinks we will be more successful in putting through one change at a time.
Mr. Lynch said there are several methods for amending a Home Rule Charter - legislature, another Charter Commission, Town Meeting. If a change is proposed in the Spring it takes a year to take effect, but if proposed in the Fall takes only 6 months to become law. Mr. Logan said let's wait to see what happens with Mr. Ready's change.

signatures.
Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to call STM within the first night of the ATM at such time as the date is set by the Board of Selectmen.
Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to place the massage therapy article on the STM warrant.

The Tabled Dog Hearing on the dog owned by Larry Harmon, 35 Grandview Road, was brought up for discussion. Mr. Ready said that Mr. Harmon had called him early this evening and said he could not attend the hearing because he has the flu. He is asking to have the matter tabled until February 24th, at which time he will have all his back license fees paid.
Motion by Mr. Logan to table the hearing until February 24th. Mr. Blomgren amended the motion to send a second letter, Hand Delivered by the Police Department, to Mr. Harmon restating the conditions in the last letter, that he be present at the next hearing, that he pay all back license fees for his two dogs, that he keep his dog from barking excessively and that we receive no more complaints. Motion was voted unanimously in favor.

Town Counsel James Harrington was present to update the Baord on the status of the Town's insurance coverage in the harassment suit brougnt against Bernard Lynch by Beth Kinney. He gave the Board the background of the matter, how the two companies we were involved with differed, and how finally he made demand on National Casualty Company.
Mr. Johnson arrived at the meeting at 7:45 p.m.
They will take on the full defense of all claims against the Town Manager and the Town of Chelmsford, including any judgements or settlements and any prior legal expenses. There were extensive reviews of all the Town's policies by the Town Manager, Mr. Harrington and the Consultant. Mr. Logan and Mr. DeFreitas both congratulated Mr. Harrington on saving the Town thousands of dollars and Mr. DeFreitas asked for the cost difference. Mr. Lynch said we will save about $5,000 this year and now can go with the MIIA package at $5,000 less. Mr. Lynch added that both our Public Officials and Police Liability policies turned out to be deficient under Monticello and they did not meet our bid specs. Mr. Blomgren asked if the bid award had been reviewed by our consultant and Mr. Lynch said yes, that they met our specs overall but more and more exclusions appeared. However, there were no costs incurred by the Town during this process. Mr. Harrington added that the Town is incurring no losses, that if we had inadequate coverage and a claim was filed, we would sue the consultant. Their bid met with our requuirements, and it was not until the policies were examined were the exclusions uncovered.
Mr. Ready congratulated Mr. Harrington on a great job.

Town Manager Lynch then went over the Town Meeting articles:

1. Hear reports.
2. Recreation Revolving Fund: legislation was passed last year and under the new law there is more flexibility with user fees. The law is passed through the State and now our Town Meeting has to approve.
3. Sewer Bettterment Money: $1.3 mil to be put towards Debt and Interest, which will have an effect on overall taxation. There will be about a 2% increase for next year.
4. Charter Change re appointing powers of BOS - Mr. Ready said this is a very simple language change, that the BOS should appoint any Town policy committees.
5. Budget - he will have a detailed presentation for February 24th.
6. Capital Planning Budget: the target is $1 mil for capital improvements; $64,000 from the Stabilization Fund for 4 cruisers
7. Cemetery Improvement Fund: transfer from sale of lots and graves to imrpovement.
8. Compensating Balance Agreements
9. Late Bills (none yet)
10. Audit - to provide for $21K. Mr. Blomgren asked for a draft FY91 report to be presented at ATM.
11. Finance Committee Reserve Fund - standard
12. Sand lease - $20K per year for 10 years
13. Street Acceptances
14. Accept provisions from NVTHS to accept app. $18K
15. Free Cash (to be put towards budget)
16. Sewer Eminent Domain Takings
17. Sale of property - now has to go out for competitive bid
18. Assessor's Increase in Exemption for Blind
19. Senior Tax Rebate - proposed volunteer services to the Town for a tax reduction
20. Non criminal disposition action - general by-law - will allow Town Clerk to collect
21. Petition - No. Chelmsford Water District to re-zone property on Swain Road
22. Early Retirement provisions - a local option the Town may have to accept - we may know by the end of February.
23. Insurance Sinking Fund Transfer
24. Zoning for Gingerale Building - Littleton Road
25. Re-zoning petition - Chelmsford Mall
26. Massage therapy bylaw change
27. Re-zoning change - Route 129 and Mill Road

Mr. Lynch said he is suggesting that Articles 20 - 27 would be good articles for a STM.

The site for Annual Town Meeting was discussed.
Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to hold the ATM at the Parker School as requested by the Town Manager.

Mr. DeFreitas said let's ask the BOS candidates to the February 24th meeting to speak for 2 minutes each. This would be to give them TV exposure, not to speak to the BOS, and ask Channel 43 to start coverage at 7:00 p.m. Candidates will be notified either through the Town Clerk or a letter.

At 9:20 p.m. motion by Mr. Logan, seconded by Mr. DeFreitas, to adjourn to Executive Session to discuss the financial well being of the Town and pending litigation. Roll Call vote was as follows: Mr. Logan-Aye; Mr. DeFreitas-Aye; Mr. Johnson-Aye; Mr. Blomgren-Aye; Mr. Ready-Aye.

For the Board of Selectmen, by

Judith E. Carter

Regular meeting of the Board of Selectmen held Monday, February 24, 1992. Members present were: Mr. Ready, Mr. Logan, Mr. DeFreitas, Mr. Johnson and Mr. Blomgren. Town Manager Bernard Lynch was also present.

During the Open Session the Board had invited all candidates for the Board of Selectmen to be present to address the television audience. Each of the eight candidates was given two minutes to present his background and his platform. Cub Scouts from Pack 107, Den 6 were present and drew names to determine the order in which the candidates would speak - Bill Dalton (who was on vacation and not present), Chris Gleason, Peter Lawlor, John Ferreira, Jeff Stallard, Wayne Richardson, Bob Joyce and Jeff Brem.
Each candidate gave his two minute speech and thanked the Board of Selectmen for inviting them. Mr. Ready wished each of them good luck on behalf of the Board.

Chairman Ready called the meeting to order at 7:30 p.m.

He recognized the Cub Scouts, who are working on their Citizenship badges, and presented a certificate to each.

Motion by Mr. Logan., seconded by Mr. DeFreitas, unan. to approve the minutes of the meeting of February 10, regular and executive sessions.

Mr. Ready then brought up the tabled Dog Hearing re the Doberman Shep, owned by Larry Harmon. This hearing has been tabled twice due to Mr. Harmon's not being present. Mr. Ready read the letter delivered to Mr. Harmon on February 12th. Dog Officer Frank Warren reported that he has received three more complaints about a barking dog at the Harmon home - Jan. 30 at 1:05 pm, Feb. 17 at 3:30 pm and Feb. 22 at 7:35 am. He has checked with the Town Clerk's Office and the back license fees have not been paid.
Mr. Logan said for the record that Mr. Harmon has not complied with the stipulations in the letter: he is not present, the dog has not been restrained from barking because we have 3 more complaints, and the back license fees have not been paid.
Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to order removal of the dog in question for the reasons stated above. This is an absolute removal, and can't be rescinded by paying the fees.
Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to send another letter, hand carried, stating that the Board will hold a Dog Hearing on his Yorkshire Terrier Corky on March 9 unless all the back license fees on both dogs have been paid.

The Board then met with the **Stipend and Benefits Committee**, established by Town Meeting. **Dean Carmeris**, 20 Higate Road, Precinct 5's Town Meeting rep to the Committee, said they plan to present a report at the Annual Town Meeting and have an article they are preparing for the ATM Warrant. They have sent a copy of the article they are proposing to Town Counsel.
Mr. Carmeris said that Jim Doukszewicz and Marian Currier have been to a meeting of the committee and explained the benefits people receiving stipends are eligible for, but it appears that no one can explain exactly who gets stipends. They met with the Finance Committee, who said that the stipends are a small part of the Town's liabilities, but the Town accepted Chapter 32B in 1961, which makes all persons receiving stipends eligible for benefits.
The Committe did a survey of 9 surrounding Towns and said that stipends vary from none to generous, and Chelmsfortd has the most people taking advantage of benefits.
The Commission feels that stipends should be eliminated so that people can't take advantage of the benefits. It is costing the Town so much in benefits that the Committee thinks all stipends should be eliminated. The Committee is recommending that all persons now receiving stipends should get the equivalent expense accounts, but they are not taking a position on who should receive these accounts in the future.
Mr. Ready said he is disappointed that the Committee didn't interview any of the 17 persons now receiving stipends.
Mr. Lynch said that the Committee wants to give their report at the beginning of the ATM, and have their article on the warrant for the STM.
Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to put their article on the warrant for the STM.

Paul McCarthy and Jack Emerson were present from the **Board of Health to discuss the trash disposal problem.**
Mr. McCarthy told the Board that the BOH wants a question re an override for trash disposal put on the ballot for the April Town Election. The Board's primary concern is the abundance of illegal trash under the current bag and tag system, also a concern for both residences and businesses. The concern is one of health, safety and nuisance. We have an illegal dumping problem and want to go back to a tax-supported system.
Mr. Emerson said they are looking into the wording of the question, that the wording must be specific, not descriptive, and they will get a figure for the ballot. He added that the Board of Health needs more control over illegal dumping and can do better with a tax-based system, which is cheaper and tax deductible. It is a better way than user fees and tags. There have been over 300 complaints since the system started, although 95% of the residents are obeying the rules. There is now a problem with larger items, since we no longer have a bulk pick-up. Businesses and condos are getting much illegal dumping in their dumpsters.

Mr. McCarthy said if the override fails, it will be business as usual but we do have a health problem, and let's give people a chance to vote on a more easily managed program.
Mr. DeFreitas said he is sympathetic with the Board of Health's problem but that overrides on trash have always failed. He added that we have bids out now, including condos and he doesn't see how with condos included we can get service any cheaper. He can't say to put trash back in the budget without an override.

Mr. Emerson said he thinks the people have been educated enough to vote on an overide now. Mr. Johnson said he feels that the Board should get out of the trash business and give it to the Board of Health. Mr. Emerson commented that the trash problem is now controlled through the Town Manager's Office and enforced by the Board of Health, and that trash has to be regulated for the health of the public. He added that there are a couple of small landfills in East, North and West Chelmsford, and all need to be cleaned up. The regulations have to be stronger to control the problem. They have estimated that with 11,500 homes in town it will cost $109 per household, based on an average $150,000 assessment.

Mr. Ready said that the Board of Health has said that they have a very serious problem with illegal dumping due to the current form of trash pick-up and want to ask the voters to put it back in the budget. He suggests we go to Town Meeting for their approval of the override question, and we may also have to go to ATM legally, according to the by-law. We should take it to ATM, go out for bid and approve an alternative budget, all of which takes time to do properly.

Motion by Mr. Johnson, seconded by Mr. Logan, based on the recommendations of the Board of Health that we leave a question open for a trash override question on the April 7th ballot. Motion failed on a vote of 2 in favor (Johnson and Logan), 3 opposed.
Motion by Mr. Logan, seconded by Mr. DeFreitas, to put an article on the STM warrant asking to put an override question on the next ballot and have whatever articles are necessarry to put this before the Town Meeting body. Mr. Blomgren added and to have the Board of Health help with the wording of the article. Vote was 4 in favor, 1 opposed (Mr. Johnson).
Mr. Lynch said that under the new Request for Proposals the bid structure is not geared for the old system and we would have to send out addenda. Joel Karp asked that we add to any addendum that we ask the bidders for one flat fee.

Town Manager Lynch then presented his budget for FY93 to the Board, School and Finance Committees. He began by saying that this is the most stable Town budget since 1987 and that "downsizing" for Chelmsford appears to be complete. We have taken a hard line and are now in a new phase of "rightsizing". We have to learn to work smarter, and have learned to work harder with a 13% cut in personnel. The budget is created on revenues that we have, and departments were told to level fund, based on FY92.

On the **Revenue** side, taxes are 2 1/2%, new growth is expected to be $150,000 (6 years ago it was $1.2 million), property values the same and a $1.3 sewer betterment. Each tax bill should go up by app. only 1% and State Aid is down $6.7 million. Available funds, with trash taken out of the budget, are Free Cash - $150,000 estimated. The FY93 Sewer Division will be paid for by user fees and under Local Receipts, there will be a decrease in motor vehicle excise taxes. There will be an increase in interest on late taxes. The Enterprise Fund is 0 funded.

Mr. Lynch then went over the **budget expenditures.**
Under **Municipal Administration** is a new position of Data Processing Manager at $35,000. This position will be funded for two years and then evaluated - we are very deficient in computerization and technology. The total increase in this budget is $68,000. Mr. Lynch stated that there are no built in cost of living raises in any budgets.

Public Education - There is an increase of 5%. They have to fund the salary increases that were given up for one-half of last year.

Mr. Lynch said that the non-union people who went without raises last year on the Town side will be considered for increases, and he and the Personnel Board will meet in early March to discuss this.

Undr **Public Safety**, there is an increase of $60,000 which covers built in step increases. The Police Department overtime account is enormous and the budget proposes reducing overtime by one-half and phasing in up to 6 new officers. Any use of overtime will be only when they fall below minimum manning or have an emergency. We will try to recruit officers who have already had training so we shouldn't have that expense.
The Fire Department is entirely level-funded. They have some of the best equipment in the region and one of the best-trained forces. He gave credit to the Chief. On re-opening the West Fire Station, in FY94 and 95 we will have a clearer picture of any possibility of re-opening. Eventually we will look into a central Public Safety building.

In the **Inspections Department** we need to fund 1/2 a Local Inspector to help with zoning and permits, and $7,000 for a Plumbing Inspector.

Public Works is level funded and trash removal has been removed from the DPW budget.

In **Streetlighting** there is an increase - the bills are running app. $15,000 per month. There is an option - we can buy the lights and pay for the maintenance and use of electricity. The cost to purchase 1,000 lights is $235,000, including taking down the old lights and installing new. There is a five year payback period, then a 50% yearly savings.
The **Highway Division** budget is down by $8,000 and the **Sewer Division** is increased because we will be adding five more pumping stations and will need another mechanic. Mr. Lynch was asked what do we owe to Lowell for sewerage, and answered very significantly less than they say.

The **Community Service** budget is up by $65,000. The Board of Health is increased by $8,000 to include a Hazardous Waste Day.

The **Library** is up by $66,000, which is enough to proceed for Certification, get State Aid and participate in regional programs.

Mr. Lynch then explained the **funding of the Capital Planning Budget article** on the ATM warrant.

Under **Reports, Mr. Ready** said he has received a letter from former Selectman Brad Emerson regarding the **Lowell Landfill**, telling the Board to keep after the DEP, that's where the action is. Mr. Lynch said there will be another meeting at the State House the first week in March, with the DEP and reps from Chelmsford.

Mr. Ready reported that he has recieved a call from Tom Moran asking abo ut the **meeting with Stoney Brook Rod and Gun CLub.** Mr. Lynch said we are setting this up.

Mr. DeFreitas reported that they are holding the third **ESP meeting** and invited all to come. He thanked Mary Mahoney for compiling a list of reference books.

Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve the **Chelmsford High School All Sports Booster Club Cannister Day on May 9, 1992.**

Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve the Oliveria Little League Tag Day on May 23, 1992.

Mr. Lynch told the Board that he had received 100 resumes for the position of Finance Director. He has chosen Charles "Fred" Mansfield for his extensive municipal experience. He is presently the Treasurer in West Newbury, and has a background in investments and accounting. Mr. Lynch feels he will be an outstanding Finance Director, and he will start coming in in mid-March and full-time by April 1st. Present Finance Director Jim Doukszewicz is leaving April 15th.
Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve Mr. Lynch's choice of Fred Mansfield as Finance Director.

At 10:40 pm motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to adjourn.

For the Board of Selectmen, by

Judith E. Carter

Regular meeting of the Board of Selectmen held Monday, March 23, 1992. Members present were: Mr. Ready, Mr. Logan, Mr. DeFreitas, Mr. Johnson and Mr. Blomgren. Bernard Lynch, Town Manager, was also present.

During the Open Session Bob Joyce, Sewer Commissioner and BOS candidate, was present and told the Board that the rumor is that if we have trash pick-up the homeowner must also recycle. He was told that this is not true, that recycling will still be voluntary.

Mr. Ready called the meeting to order at 7:30 p.m.

Mr. Logan read a proclamation honoring Annamarie Behring as the Horatio Alger Scholarship recipient in the State for 1992. Mr. Ready read a list of community service projects that Annamarie has been involved with and she then thanked the Board for this recognition.

Mr. Ready presented Carl Hunnewell with a letter of commendation for bravery from Police Chief McKeon. Mr. Ready explained that on the night of October 2, 1991 there was a fatal car crash on Acton Road in which three young men were killed. Mr. Hunnewell pulled James Peter Dionne from the burning wreckage and is credited with saving his life. Mr. Dionne presented Mr. Hunnewell with a plaque and said he is really a hero and thanked him for saving his life. Mr. Ready gave Mr. Hunnewell a Certificate of Appreciation from the Board.

Mr. Ready then said that a Certificate of Appreciation is being sent to Officer James Midgeley, retiring after thirty years of service in the Chelmsford Police Department.

Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve the minutes of the meeting of February 24, 1992.

John Warren, 3 Sylvan Avenue, had applied for a taxi license but was unable to be present. Mr. Ready read a letter from Mr. Warren explaining what he wants to do. Motion by Mr. Johnson, seconded by Mr. Blomgren, unan. to approve a license for one cab for John Warren. Mr. DeFreitas commented that Mr. Wawrren's business venture was about 10% ESP, Mr. DeFreitas' program to help small businesses.

A Dog Hearing was again scheduled regarding the dog Corky owned by Larry Harmon, 35 Grandview Road. Again, Mr. Harmon was not present and the back license fees on both dogs have not been paid. Mr. Johnson recommended that we contact Mr. Harmon again telling him that if he is not here on April 6th and the license fees are still unpaid we will have his dog Corky removed from Town, and noted that the dog is not being a nuisance. Motion by Mr. Johnson, seconded by Mr. Logan, to

send a hand delivered letter stating the above. Vote was 3 in favor, 2 opposed (Mr. Ready and Mr. Blomgren, who felt we have given him enough time now).

Jack Blanchette was present requesting the Board's permission to expand on his **Class II Auto Dealer's license.** He wants to be able to sell more cars at **77 Tyngsboro Road.** He now is allowed 8 vehicles on the premises not for sale, but only for repair and would like to expand to 20 vehicles for sale, since he is expanding from 1 bay to 3. Mr. Logan commented that the Building Inspector has been looking at the site and is concerned about the number of spaces.
Motion by Mr. Johnson, seconded by Mr. DeFreitas, unan. to refer the matter to the Building Inspector for a report by the next meeting and to check on the minutes of the original meeting when the license was first granted. The issue is tabled until the April 6th meeting.

At 7:45 p.m. a **Public Hearing** was held on the **application of Kastore's Restaurant for a Beer and Wine license.** Mr. Logan stepped down from this hearing. Attorney Joseph B. Shanahan, Jr. represented the Panagakis family, father Chris and son John, who will be manager. Mr. Shanahan had sent out a booklet of documentation to all Board members. He told the Board that Chris Panagakis had come from Greece in 1966 and has had a beer and wine license in Tyngsboro for some time. Five years ago he purchased the Dairy Queen on the 110 Tyngsboro Road property and a year ago spent a great deal of money on renovations and increased the size of the restaurant to 36 seats. They have had experience with a similar restaurant in Tyngsboro and Chris has served liquor for six years in Tyngsboro. They are asking for hours of seven days a week, 12 am - 12 pm, although they intend to close at 11 pm. Mr. Ready asked if the liquor will be served over the counter and Mr. Shanahan said yes, but the counter is open and you can see the whole dining area. There are 23 parking spots and they have the proper variance from the Board of Appeals. Mr. DeFreitas said he has had calls from neighbors concerned that there will be drinking outside but Mr. Shanahan said beer and wine will be served only in the dining room. Mr. Blomgren commented that there have been several accidents in the area and Mr. Shanahan said that since they have revamped the parking - no more backing out onto the street - there have been no accidents at that address.
No one present spoke in favor of or opposition to this application. Mr. Ready said the Board will follow their usual policy and vote on the license on April 6th.

Mr. Shanahan then approached the Board with the request of **Chrisdanbeth Inc. d/b/a the Glenview Lounge for an Entertainment license for live entertainment.** They currently have a Weekday

Entertainment license for recorded music and television. Mr. Shanahan said that the Harts bought the restaurant in 1984 and didn't request the transfer of the live entertainment licenses at that time, only recorded. Now in difficult economic times they would like to provide live background music on Friday and Saturday nights, although they are requesting the license from Monday through Saturday from 8 am - 2 am, the same hours as their liquor license. Mr. Johnson noted that the Board had a similar request from Old MacDonald's and we have had no problems with that license. Motion by Mr. Johnson, seconded by Mr. DeFreitas, to approve this license. Vote was 4 in favor.

Mr. Logan rejoined the meeting.

Mr. Ready announced that the Nashoba Valley Technical High School appointment is scheduled for Monday, March 30, 1992 at 6:30 p.m. at the Parker School.

Attorney James Geary, representing Jim and Tom Mawn, CLM Realty, and owners of the old gingerale building on Littleton Road since 1963. The parcel is now zoned IA and they are petitioning the Special Town Meeting to rezone the property to CO, to be consistent with the rest of the Center. The Planning Board has endorsed the plan, consisting of 18,000 sq. ft. of commercial space to be put up in a Williamsburg style and will change from a industrial warehouse to colonial style commercial buildings. Local contractor Bob McCrensky will do the building and he gave details of the plan to the Board. The structure is now 60,000 sq. ft. and all existing buildings will be taken down. The new structure will be 17 - 18,000 sq. ft. with a clock tower and the elevations will come up to nearer the Littleton Road contours. Mr. Ready said he thinks there is a brook going through this property, so they may have to put in a pipe or a culvert. Mr. Logan commented that with so much vacant space in Town this may be considered a strip mall.
Board members Johnson, Ready and Blomgren said this will be a welcome addition to the Town. Mr. Logan moved to endorse and support the plan for the re-zoning change but Mr. DeFreitas said although this Board all endorses the plan we should wait for the new Board to endorse it at Town Meeting.

Under Reports, Mr. Logan reported on Littleton Road, stating that he has continued to receive phone calls and complaints about the pavement, that it is a mess and an embarassment to the Town. There is a dispute between Littleon Road Extension Inc. and Middlesex Paving and the District 4 DPW hasn't been responsive. The people of Chelmsford deserve an explanation.
Mr. Lynch said that they can't get occupancy permits for any more units until monies go into the escrow account, and he understands they will start to repave ths spring. The Board will keep

putting pressure on, and with each permit given a sum goes in to the escrow account. Sewer Commission Chairman Jack Emerson said that due to the nature of the weather this winter the problem is maintenance and the Middlesex Corp. amd the Dartmouth Group are working on this.

Mr. Johnson reported that the Paint and Powder Club is presenting Sweet Charity on March 26 -28 and the proceeds will benefit the Family Service of Greater Lowell.

He also reported that the building known as the Old Fitts House on North Road next to the Old Town Hall is being renovated by John Krasnecki and asked that the Board send him a letter of congratulations on a job well done. Dr. Paul Canniff told the Board that Mr. Krasnecki was also the person who had re-sided the Toll House on the Common. Mr. Lynch said he is planning to paint it this season.

Mr. Ready reported on the State Aid analysis from the Mass. Municipal Association and showed slides which indicated that State Aid has declined and state expenditures have increased. The cuts in State Aid is making cities and towns rely too heavily on property taxes, and he noted that the city of Methuen is going to the State House to protest the decline in State Aid.

Under Other Business, motion by Mr. DeFreitas, seconded by Mr. Johnson, to approve the extension of hours for Bainbridge's Restaurant liquor license on March 28, 1992. Vote was 4 in favor, 1 abstention (Mr. Logan).

Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to name the park at the intersection of Bridge and Westford Streets House Park, as requested by Dr. Canniff. Mr. Logan will get in touch with the family and suggest a possible dedication for Memorial Day.

The Board then discussed the Re-districting Plan. Mr. Ready said that every time we have the State Census precincts have to be redistricted so there are not more than 4,000 voters in each. The Board had asked the Committee - Joel Karp, John O'Connell and Mary St. Hilaire - to start with 0 precincts and keep them within 5% of each other (Option 2) or Option 3, to keep the precincts as close to what we have now as possible. The Charter gives us no option for other than 9 precincts.
Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve Option 2. It was noted that the Town Clerk's office will have a lot of extra work and the first election effected by this change will be in April, 1993. Mr. Blomgren said that all Town Meetings reps will have to run again and that we need to release a map with the streets for the new precincts. Mr. Ready said we should have the information posted at the polls for the September and November elections.

The Board then discussed the Solid Waste ballot question. Mr. Lynch said the Board has asked him to come up with some numbers and he said that if we have the same program next year, for a single home with solid waste collection it would be $77.05 per year, with tags at $.95. One bag per week would cost $126.45, 2 bags $175.85 and 3 bags $225.25. Multi-family to be picked up curbside would be $54.55, with tags at $.95 each. We have asked quotes for the vendors to do the billing, which makes more economic sense.
Paul McCarthy, Board of Health member, presented a letter to the Board stating the Board of Health's position on the Prop. 2 1/2 override and asking that the question be placed on a ballot.
Mr. Lynch said that with the override the effect would be $.72/$1000 of assessed value, or $108.00 per year for the average homeowner.
Mr. Ready asked for language to be used at the Special Town Meeting stating that if the override passed the money would only be used for solid waste disposal. Mr. Lynch gave two amendments to be made to the by-law.
Mr. Ready said we need to set the date as soon as possible for the Special Election so we can educate the people.
Mr. Lynch said we have Special Town Meetings scheduled for April 27, 30 and May 4th, could hold the Special Election on May 12 and then go back to ATM on May 18th.

Mr. Ready said we have two options: Option 1 - to do nothing; and Option 2 - to call for a Special Election on May 12th with a question on the override and then pass the 2 amendments to the by-law.

Mr. Blomgren said that we have an Option 3, which addresses issues raised by the Board of Health and showed with a slide presentation the current programs, both trash and recycling; the issues raised by the Board of Health of illegal dumping and abuse of size of bags; the current proposal; problems created with the proposal; solutions; recommendations and benefits.

Mr. Emerson and Mr. McCarthy said that this proposal would not meet the Board of Health objections, and Mr. McCarthy added that they only want to get the question on the ballot and don't care about the dollars and cents, and that by Jan. 1, 1993 recycling will be mandatory.

Motion by Mr. Johnson, seconded by Mr. Logan, to put Option 2 on a Special Election ballot for May 12.
Motion by Mr. Logan, seconded by Mr. DeFreitas, to call a Special Town Meeting to put the question on the ballot Vote was 4 in favor, 1 opposed (Mr. Blomgren).

Motion by Mr. Logan, seconded by Mr. DeFreitas for discussion, to set the Special Election for June 2nd. Motion was amended to have the parties involved come back with a recommendation. Mr. Lynch said he is concerned with the administration of the Town Clerk and the administration of the Solid Waste Coordinator and setting the date is ultimately up to the Board.
Motion by Mr. Johnson, seconded by Mr. DeFreitas, unan. to vote the date of the Special Election at the April 6th meeting.
Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to put the three trash articles on the warrant for the Special Town Meeting on April 27th.

The **Town Manager** reported that on the **Lowell Landfill** matter he met with Rep. Cleven, Sen. Hicks and the DEP for a status report on the closure. He said the DEP has no intention of extending the use of the landfill although the City is taking steps to extend its use, and it will still close in 1993.

On **Frequency Sources**, Mr. Lynch met with Attorney Jim Geary and said they've completed the testing on the cleanup of hazardous materials and they are negotiating with the DEP.

Mr. Lynch said that re the **abandonned property on Drum Hill Road** he has met with the Building Inspector and they are looking at condemnation but that has some perils.

Re the **North Town Hall**, we are taking steps to maintain it in the condition it is presently in and have been working with the Insepctor General's office on the language to use in the RFP. We are hoping to receive a decent amount of money and it should go on the market within a month.

He also reported that the **trucks parked on Westford Street** near Abbott Lane will be removed within the next two weeks.

Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to **approve the Town Manager's recommendation to appoint Robert McCallum to the Solid Waste Advisory Committee.**

Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. at 9:35 pm to **adjourn the meeting.**

For the Board of Selectmen, by

Juliette E. Carter

Special Meeting of the Moderator, Board of Selectmen and School Committee at 7:00 p.m. on Monday, March 30, 1992 at the Senior Center on Groton Road. The purpose of the meeting was to make appointments to the Nashoba Valley Technical High School District Committee.

Present were: Moderator Dennis McHugh, Esq., Board of Selectmen members Dennis Ready, William Logan, Richard DeFreitas, Henrick Johnson, Jr. and Roger Blomgren; Town Manager Bernard Lynch; and School Committee members Barbara Ward, Wendy Marcks, Carl Olsson and Mary Frantz.

Moderator Dennis McHugh called the meeting to order at 7:00 p.m.
Motion by Mr. Ready, seconded to Mr. DeFreitas, to nominate Samuel Poulten as the regular Chelmsford member to the NVTHS Committee.
Motion by Mr. Logan, seconded by Mrs. Ward, to nominate Donald Reeves as the regular member.
Votes were as follows: for Mr. Poulten: Mr. Ready, Mr. DeFreitas, Mr. Blomgren, and Mr. Olsson. For Mr. Reeves: Mr. Logan, Mrs. Ward, Mr. Johnson, Mrs.Marcks and Mrs. Frantz.
Mr. Reeves is appointed the regular member.

Motion by Mr. Johnson, seconded by Mr. Ready, to nominate Mr. Poulten as alternate member.
Motion by Mrs. Ward, seconded by Mrs. Marcks, to nominate Paul Ahearn as alternate member.
Votes were as follows: for Mr. Poulten: Mr. Johnson, Mr. Ready, Mr. Logan, Mr. DeFreitas, Mr. Blomgren and Mr. Olsson.
For Mr. Ahearn: Mrs. Ward, Mrs. Marcks and Mrs. Frantz.
Mr. Poulten is appointed alternate member.

Motion by Mr. Olsson, seconded by Mrs. Marcks, unanimous, to make the appointment votes unanimous.

Motion by Mrs. Ward, seconded by Mr. Logan, unanimous to have representatives from both Boards meet to establish a formal appointment process for these Nashoba appointments.

Motion by Mr. Logan, seconded by Mr. Ready, unanimous to adjourn the meeting at 7:15 p.m.

Bernard F. Lynch, Town Manager

Regular meeting of the Board of Selectmen held Monday, April 6, 1992. Members present were: Mr. Ready, Mr. Logan, Mr. DeFreitas, Mr. Johnson and Mr. Blomgren. Town Manager Bernard Lynch was also present.

During the Open Session Jeff Stallard spoke to the Board about the Veterans' Memorial Park, telling them that 930 names will go on the wall, which will be unveiled on July 3rd, and names will be updated and added in two years. They are now in need of the $5,000 HUD monies promised by the Town - the walls are all ready to be engraved. Jeff doesn't know the procedure for getting the money and the Committee needs a check to the Fletcher Granite Company. He thanked the Town for this money.

At 7:10 pm Mr. Ready said the Board would adjourn until 7:30 p.m.

Chairman Ready called the meeting to order at 7:30 p.m.

Motion by Mr. DeFreitas, seconded by Mr. Logan, unan. to proclaim April 6, 1992 as Ruth K. Delaney Day. Mr. DeFreitas read the proclamation honoring Mrs. Delaney upon her retirement after 15 years as an Assessor for the Town. Mrs. Delaney accepted the proclamation from Chairman Ready.

Mr. Logan showed the Board a copy of the Boston Gazette, started in 1719, and bound in a book dated 1794. Mr. Logan moved, seconded by Mr. DeFreitas, unan. to proclaim April 5 - April 11 as National Library Week and read the proclamation. President of Friends of the Library Susan Koeckhoven, Director of the Library Mary Mahoney and Sarah Warner, Chairman of the Library Trustees, accepted the proclamation.

Mr. Ready gave Certificates of Appreciation for service on the Conservation Commission to John Scott for 9 years and Charles Galloway for 11 years. Mr. Scott was present and thanked the Board for appointing him to the Board for 9 years.

Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve the minutes of the meeting of March 27, 1992.

Mr. Ready introduced Karen Ready, representing the Chelmsford High School Student Council, who presented a check to Donna Johnson, Chairman of the Holiday Decorating Committee. The students are donating the $235.00 earned for selling hot chocolate at the Decorating Committee's Christmas celebration.

The Board then met with **Lakeside Avenue residents. Bud Keenan,** 1 Lakeside Avenue, acted as **spokesman** for the residents and gave the Board the background of the problem. Mr. Keenan said that they live on Hart's Pond, South Chelmsford, about 2 1/2 miles out of the Center. The pond gets its water from brooks in Westford and is spring fed. There is an outlet and a dam that runs under Route 27 into **Chelmsford/Carlisle Conservation land,** formerly the Cranberry Bog. Mr. Keenan showed a drawing of Lakeside Avenue, and how it goes in over the railroad trestle and splits to the left and right, both Dead End. He gave a history of the owners of the 8 homes, stating that most of them have been there a long time, some a third generation.
Mr. Keenan continued that there are backboards in the dam to control the flow to the Cranberry Bog and they were always lowered in the fall, which kept the pond clean and the water at a safe level. There were never any problems when this was the practice. However, this has not been done for the past two years and now septic systems are starting to go. They called the Conservation Commission and received a negative response, being told not to touch the backboards or they would be fined.
The 8 homes in the area in question could not use their washing machines so they called the Dam Safety Commission from the State. They told the residents that the State would consider the pond at flood stage.
Mr. Keenan said that on March 25 he **called the Town Manager** and felt that his response was negative, too. He called the Carlisle Conservation Commission a week later and the response was good but the results weren't.

Mr. Ready asked if they see the solution as lowering the water in the fall and winter. He reminded Mr. Keenan that he had called him back at 11:30 p.m. **Mr. DeFreitas** asked the Town Manager was it the practice of the Town to lower the water, and if so, why was it stopped.
Mr. Blomgren asked if the rest of the owners on the Lake have damage from high water and was told that most homes on the Lake are a little higher than the ones on Lakeside Avenue. The Town Manager was asked to check with the Board of Health to see if other systems are failing.
Dora Brown, President of the Hart's Pond Improvement Association, said there is damage to retaining walls and docks all around the Pond due to the high water.
Cheryl Collier said she has lost 85 feet of land and part of her chain link fence, that 8 - 10 feet of their point has been lost and they are still losing land. She asked the BOS to help the residents. Another resident from Lakeside Avenue said they are having much of the same problems.

Mr. Ready said he wished the residents had come to the Board earlier. Mr. Keenan asked how will the residents be aware of what is happening and Mr. Ready said he will ask the Towm Manager to get feedback to him and Dora Brown.

Mr. Lynch then reported on his knowledge of the problem, stating that the Bog was bought in 1986/87 by Chelmsford and Carlisle, who were to enter into a management district, but Carlisle never approved. The practice of lowering the dam was stopped because technology changed and since Mr. Duffy has installed an irrigation system we don't need to lower the boards.
Mr. Lynch said he received his first phone call on this matter on March 17 and has responded. On March 19 the Town Engineer and his assistant went to the site and shot grades. The information showed that the water was lower than in 1987 and a foot lower than in 1976. The Conservation Commission contacted the Carlisle Commission and Jim Pearson met with them on April 1st. The overall problem appears to be what is the proper management of the structure. The Conservation Commission says we need special permits from the state to lower the water. The report from Tom Fumilaro, state Dam Site Inspector, is more confusing as are his drainage area calcs. Jim Pearson and the Conservation Commission are still working on this problem but it will take time to rectify - probably 3 - 4 weeks. If the pond is lowered by 3 feet it would expose 20 more feet of shoreline.
Mr. Ready said that he was on the Committee that established the 1976 maps and that the elevation shown on those maps was the 100 year flood level. He said we should lower the water while we're studying the problem, which is at least a temporary solution until the proper solution is found.
Motion by Mr. DeFreitas, seconded by Mr. Logan, unan. to temporarily lower the water by taking out a board on each side .
Mr. Lynch said he will send Mr. Pearson to the Conservation Commission to say to lower it and we will need to determine by how much. Mr. Ready said the Town will take out the board and notify persons downstream. Dora Brown said she wants to have input.

No one was present from Massachusetts Electric Company to present the pole petition on Main Street.

A Public Hearing was held on the application for the transfer of the All Alcoholic license held by CAM Corp. d/b/a BumbleBee's to Mike Liang, Panda Wok Inc. Attorney Justin McCarthy from Westford represented Attorney Dennis McHugh. Mr. Logan stepped down from this hearing due to a possible conflict of interest.
Mr. McCarthy said they are requesting the transfer of the All Alcoholic license at 313 Littleton Road to his client Mike Liang. He noted that there have been two restaurants at that address - Mei Lei Garden and BumbleBee's, which operated from December, 1990 to December, 1991. He said that Mr. Liang has come to an agreement with CAM Corp. and owner of the property Donald Loiselle. There will be no change in the interior, with 80 - 90 seats in the resturant and 25 seats in the lounge.
Mr. McCarthy said that Mr. Liang has been in the restaurant business since 1980 and now owns two successful businesses in Milford, Mass. and Concord, NH.

Mr. Ready asked how can he succeed when Gover SooHoo failed and Mr. McCarthy said he has experience and will also be the manager. His other two restaurants will be managed by his partners.
Mr. DeFreitas announced that Donald Loiselle is a client of his wife's. He is stating this for disclosure purposes but is not stepping down from the hearing.
Mr. McCarthy said they are asking for the **same hours of operation as BumbleBee's:** Sunday: 12 noon - 12 midnight; Mon. - Wed. 11 am - 12 midnight and Thurs. - Sat. 11 am - 1:00 am. They have no need for an Entertainment license.

No one present spoke in favor of or opposition to this transfer of license.

Motion by Mr. Johnson, seconded by Mr. Blomgren, to **suspend the normal meeting policy of waiting two weeks to vote on liquor licenses, since this is the last meeting for two members.** Vote was 4 in favor.
Motion by Mr. Johnson, seconded by Mr. Blomgren, to **approve the transfer subject to a favorable report on Mr. Liang from the Criminal History Systems Board** that he has no criminal record.
Mr. Logan rejoined the meeting.

Another **hearing was scheduled on Larry Harmon's dog Corky.** Mr. Harmon had been sent a letter telling him that unless back license fees on Corky were paid and unless Mr. Harmon came to meet with the Board tonight, the Board would order Corky removed from the Town. Mr. Ready said that Mr. Harmon had called him before the meeting to say that he was ill again and asking for the hearing to be re-scheduled.
Motion by Mr. Johnson, seconded by Mr. Logan, unan. to **have the dog removed and let Mr. Harmon go through the appeal process,** that the Board has been more than generous with him.

Jack Blanchette was present asking for an **extension of his Class II Auto Dealer's license at 77 Tyngsboro Road.** His current license permits not more than 8 vehicles on the lot for repair, not for sale. The **Building Inspector has reported** that the premises is properly for 10 vehicles. Mr. Ready read the letter from the Building Inspector stating that he would recommend eliminating the 1978 restrictions.
Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to **approve the license for Mr. Blanchette, 77 Tyngsboro Road, to allow the sale of up to 10 vehicles on the premises and the lifting of restrictions put on the license in 1978,** as recommended by the Building Inspector in his memo dated April 3, 1987.

Mr. Ready read a letter to the Board from Governor Weld thanking him for his correspondence on legislative matters.

Mr. Logan reported that a CHS student Brian Veth is going for the Guiness Book of World Records for juggling. The competition will be at the Courthouse on Sunday, April 12 starting at 7:00 am and he will be juggling 3 balls with no breaks. The current record is 9 hours and the public is invited.

Mr. Blomgren reported that he has received a call from Mrs. Larrabee, an abutter to Axel, the Doberman at 143 Concord Road owned by John Krasnecki. The Board had previously held a hearing on this matter on Dec. 16, 1991. Mrs. Larrabee told Mr. Blomgren that the dog has been in her yard on two occasions lately, and he wants Mr. Krasnecki to come in to the next meeting. We will call a formal Dog Hearing, if necessary.

Under Town Manager Reports, Mr. Lynch said that a meeting has been held with the Stoney Brook Rod and Gun Club directors and neighbors. Mr. Lynch will go and listen to the gunfire this weekend. The meeting was successful but nothing has really been resolved yet.

Mr. Lynch also reported that the new Finance Director Fred Mansfield is on board and working with Jim Doukszewiz. There seem to be no problems.

He reported that the audit report has been completed and copies are coming.

Under Other Business, motion by Mr. Johnson, seconded by Mr. DeFreitas, to grant a Beer and Wine license to Kastore Restaurant. Vote was 4 in favor, 1 abstention.

Mr. Lynch said that he has met with the Town Clerk, Finance Director, Solid Waste coordinator and the vendor and they have agreed that Wednesday, May 27th is acceptable for the Special Election for the question on the trash override.
Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to set Wednesday, May 27 as the date and 12 noon - 8:00 pm for the hours for the Special Election.

Mr. Lynch said he has awarded the waste contract to Waste Management of New Hampshire, either on a fee basis or overall for the community. If on a fee basis, they will administer the billing.

Motion by Mr. Logan, seconded by Mr. Blomgren, to send a letter of thanks to BFI for an outstanding job over the past twelve years. Vote was 4 in favor, 1 abstention (Mr. DeFreitas).

Under **New Business** motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to **approve releasing the $5,000 encumbered to the Veterans' Memorial Park Committee.**

Mr. DeFreitas said that tomorrow is **Election Day** and asked eveyone to vote. There have been many exciting races this year and he would like to congratulate the eight Selectmen candidates for running a clean campaign.

Mr. Johnson said that it has been a privilege serving the Community for the past seventeen years, and he thanked both present and past Boards for their professional courtesies.

Mr. Ready said he had actually written a speech, which he read and in which he thanked the townspeople and town employees, and mentioned the various different Selectmen with whom he has served and what each individual has taught him.

Mr. Logan said there was a roast for Mr. Ready and Mr. Johnson and 250 people attended. He paid **tribute to Mr. Johnson** and presented him with a mounted key to the Town. He also **paid tribute to Mr. Ready** and gave him a key to the Town and a mounted gavel as outgoing chairman.

Mr. DeFreitas paid tribute to both members, praising Mr. Johson for his pragmatism and Mr. Ready for his wisdom and knowledge. He added that this is a Board in transition, that it is the last Board where a majority of the members are pre-Charter.

Mr. Blomgren said that the other two members had summed up the leadership qualities of the two outgoing members and he wished them the best.

Mr. Lynch wished both Mr. Ready and Mr. Johnson luck, and said that during the difficult times since the Charter he could rely on them both and look to them for the qualities mentioned by the other Board members.

At 9:15 p.m. motion by Mr. DeFreitas, seconded by Mr. Logan, unan. to **adjourn.**

For the Board of Selectmen, by:

Judith E. Carter

Re-organization of the Board of Selectmen held Thursday, April 9, 1992 at 7:00 p.m. Members present were: Roger A. Blomgren, Willim R. Logan, Richard E. DeFreitas, Peter V. Lawlor and Jeffrey A. Brem.

The Board congratulated Mr. Lawlor and Mr. Brem on their elections as Selectmen. The Board then re-organized for the coming year. Vice Chairman Logan asked for nominations for Chairman. Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to elect Mr. Logan as Chairman.
Motion by Mr. Lawlor, seconded by Mr. Brem, unan. to elect Mr. DeFreitas as Vice Chairman.
Motion by Mr. Blomgren, seconded by Mr. DeFreitas, unan. to elect Mr. Lawlor as Clerk.

At 7:10 p.m. motion by Mr. DeFreitas, seconded by Mr. Lawlor, to adjourn the meeting.

For the Board of Selectmen, by

Judith E. Carter

Regular meeting of the Board of Selectmen held Monday, April 13, 1992. Members present were: William R. Logan, Richard E. DeFreitas, Peter V. Lawlor, Jeffrey A. Brem and Roger A. Blomgren. Town Manager Bernard Lynch was also present.

No one was present at the Open Session.

Chairman Logan called the meeting to order at 7:30 p.m. He introduced Selectmen Lawlor and Brem and congratulated them. He also congratulated all candidates and election workers for a good, clean race.

Mr. Logan said that we are starting a new era, an era of accessibility. Open Sessions of the Board will be televised and we have installed a 24-hour Hot Line in the BOS office where residents can call for help, input and support.

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to proclaim Friday, April 24, 1992 as Arbor Day. Mr. DeFreitas read the proclamation, and no one was present from the Garden Club to accept it.

Mr. DeFreitas then read the Emblem Club Day Proclamation. Mr. Logan said he had attended their installation of new officers on Saturday night. Sandra Vallaincourt addressed the Board, stating that there are 110 members in the club, which is only five years old, they have raised $53,000 for charity over the past 4 years and their purpose is to help the Elks and particiapte in community activities.

At 7:35 p.m. the Board met with Robert Ogden, Mass. Electric Company. Mr. Ogden presented two pole petitions: 1. to install one pole on Main Street, which will hold additional equipment to protect overhead lines. No one present spoke in favor of or opposition to this petition. Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to approve this petition.
2. Groton Road near Lynn Avenue - to relocate one pole. This pole is in the middle of the driveway of a new home. No one spoke in favor of or opposition to this relocation. Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to approve.
Mr. DeFreitas asked Mr. Ogden to ride down Riverneck Road and see the poles in the middle of streets - Canal Street and others on the left by Tony's Garage. He will get the pole numbers and Mr. Ogden will check it out. He said that they try to maintain 150 feet between poles.

A Dog Hearing was scheduled regarding Axel, Doberman owned by John Krasnecki, 143 Concord Road. This is a second hearing, one having been held on December 16, 1991. Mrs. Dora Larrabee had contacted the Board because Axel had again, on 2 occasions, appeared in her yard and frightened her 4-year old grandson.

She had not called the Dog Officer because she knew he was out sick but did call the Police Dept. each time. She wants to know that Axel will not come in her yard again.
Mr. Krasnecki spoke, stating that he has tried to keep an eye on his dog and that his mother hasn't let him out. He said that when Axel is out in the yard with him sometimes he does go over to Mrs. Larrabee's and takes the cookies that she has put out for the birds. Mr. Krasnecki said he doesn't believe in collars or tying dogs, and will sell his house and move out of Town.
Mr. Logan reminded him of the **leash law**, and Mr. DeFreitas asked Mrs. Larrabee if Axel poses a threat to her. She said Yes, because her grandson is afraid of him.
Mr. Lawlor asked Mrs. Larrabee what she wants, and she said to put Axel on a run, in a kennel, build a fence to restrain him or take him back to New Hampshire where he is registered.
Mr. Krasnecki said again that the dog is 4 years old, that he had a dog before Axel with no problems, and will never tie the dog or put a collar on him.
Mrs. Larrabee said if Mr. Krasnecki wants to move from Town, OK but she won't have the dog in her yard in the meantime. Her grandon Daniel panics when he comes in the yard, and is deathly afraid of him. Mr. Brem asked if she has seen Mr. Krasencki try to comply and she said Yes, she hadn't seen the dog until 3 weeks ago. She said it was suggested at the last hearing that he build a fence.
Mr. Blomgren read from the minutes of the last hearing and said he is concerned: 1. about Mr. Krasnecki's attitude; 2. that Axel is not a gentle type dog but a Doberman; 3. it was stated that this was the most lenient dog hearing the BOS ever held.
Mr. Blomgren said there are 3 options: 1. have the dog removed from Town within 10 days; 2. build a fence around the property to restrain him properly; 3. put the dog on a permanent run, to be approved by the Dog Officer.
Mr. Blomgren said he would **move to give him those 3 options and have him let Town Manager Lynch know within 7 business days of his decision. In the absence of any choice the Board will have Axel removed from the Town.**
Mr. DeFreitas seconded the motion for discussion, and asked Mr. Krasnecki where his residence is. He said New Hampshire, but he stays in Chelmsford sometimes, and the dog is always with him.
Mr. DeFreitas said people have to come first.
Mr. Lawlor said that he has a problem with the options as outlined - he knows Axel and his behavior and knows how John Krasnecki is with Axel. He thinks Mr. Krasnecki's solution is extreme but can't support these options because they are too severe, although he doesn't have a different option.
Mr. Brem suggesetd that one option might be an electric fence, which if the animal is shocked once teaches him to stay away from it.
The options were further discussed, and Mr. Lawlor asked Mr. Krasnecki if he would comply. Mr. Krasnecki answered that Mrs. Larrabee has opened his eyes and he will look for a new Town.
The vote on Mr. Blomgren's motion was 4 in favor, 1 opposed (Mr. Lawlor). **Mr. Krasnecki will be sent a written copy of the vote.**

Barbara Carye Housman and Drew Leff of Altid Enterprises were present to ask the Board's support for their article rezoning the Mall at the upcoming Town Meeting. It is presently a non-conforming use and correcting the zoning will allow them to add a rstaurant. F and R Distributors is bringing in more business and they plan to make the Mall facade more attractive. They are asking for BOS support at the Town Meeting.
Mr. Leff said this is the only property owned by Altid to be re-zoned, and they want to change from a CA zone to a CC zone to have 30% coverage. Some improvements have already been completed.
Mr. DeFreitas said that their meetings with the residents have been good and he can support the change.
Mr. Lawlor said that he is glad they have received support from the Finance Committee and the Planning Board, and he will support the article.
Mr. Brem asked if this is the same proposal as at the last Town Meeting and was told Yes. He asked if they intend to sell the property after it is re-zoned and was told No. He said he hoped they would continue their relationshhip with the neighborhood.
Mr. Blomgren said he agrees with other members and will support the article.
Mr. Logan wished Altid the best of luck at Town Meeting.

Under Reports, Mr. Logan said we have received a request from Frank Roark to install sprinklers in front of the Town Offices.
Mr. Lynch said he has met with Jim Pearson and they are working out the details.
Mr. Blomgren moved, seconded by Mr. Brem, unan. moved to send a letter from the Board thanking Mr. Roark for his contribution and invite him in for a Certiciate of Appreciation after the installation is complete.

Mr. Logan reported that he and the Town Manager have set up a meeting schedule for the next six months and pointed out some of the important dates.

Mr. DeFreitas reported that he has suspended ESP meetings during the elections, and will have to find another night to meet since Mondays are mostly BOS meetings.

Mr. Lawlor thanked Mr. Logan and the other Board members for the warmth with which they have welcomed him and Mr. Brem. He asked the voters to remind them if they are not keeping their campaign promsies.
He also wanted to remind residents that this is the start of the Little League season and to ask them to be extra careful driving by the Rte. 110 fields.

Mr. Brem then thanked Board members for the warm welcome and thanked the other candidates for a clean campaign. He congratulated all candidates in all offices.
Mr. Brem reported that the Cultural Council has installed a new sound system in the Old Town Hall, which is available to any group. He noted that the Council is planning an All Arts Weekend for October, 1992.
He reported that the "Brem line" used during his campaign will be installed as the "Select Line" in the Town Manager's Office and any resident may call 250-5200 with any comments, complaints, questions, etc.

Mr. Blomgren reported that he wants to invite CADAC to a meeting to bring the Board up to date on their programs. Mr. Logan said that June 1st is the next regular meeting after Town Meeting.

Under Town Manager Reports, Mr. Lynch welcomed Mr. Lawlor and Mr. Brem, and said he is looking forward to working with them and the other three Board members. He said he has added several Work Sessions for long-range planning to the meeting schedule.
He reported that the Select Line is ready to go.
He wanted to remind residents that he is available to the public from 3:30 to 5:00 pm every Tuesday, his "Open Hours".

Mr. Lynch reported that he met with residents living in the area of the Stoney Brook Rod and Gun Club, and will keep Board members up to date on the progress in solving the noise problem.

Mr. DeFreitas asked him for a progress report on lowering the dam on Hart Pond. Mr. Lynch said that Friday they had lowered it by app. 2", will do 2" more shortly, and then another 2". The DPW Director is coordinating this. Mr. Lynch said that he did respond to the residents as soon as possible and that if any resident has any problems in the future they should contact us immediately.

Mr. Lynch announced that the Annual Town Meeting Forum for Town Meeting reps will be held in the Town Offices Gym on Wednesday, April 22, at 7:30 p.m.

Under Other Business, Mr. Lynch said that we need to set a Solid Waste User fee. We have had this fee for two years, and u[illegible] r the by-law the user fee must be set prior to Town Meeting. [illegible] f the oeverride is successful, we won't need the fees. This [illegible] ar we only need 3 fees for tags: tags - $.90 each; bulk items $10.00 each; dumpster fee - $40/year per unit. He went over the fee calculations: Solid Waste: $42/year for single home; $30/year for multi-family; $25/year per unit for a dumpster. Recycling: $35.05 for single; $23.70 cubside multi-family; $21.75 dumpster. Mr. Lynch said he would like a vote tonight.

The bulk program was discussed - items will no longer be picked up quarterly but one item per week.
Mr. DeFreitas stated that it is crucial that Town Meeting passes the by-law keeping trash in the override if it passes.
Mr. Lynch said that all billing will be done by Waste Management and he wants to have a decision on fees before Town Meeting.
Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to table this vote until the Work Session on April 23rd. Barbara Scavezze or a representative from SWAC and any other interested parties are invited to attend.

Mr. Logan explained the Policy section on the agenda and said that it will stay on the agenda.

Mr. Blomgren said he wants the Town Accountant to come to BOS meetings on a monthly basis, and Mr. Logan said to put Town Accountant back under Reports. Mr. Meyler will be asked to attend the April 27th BOS meeting at 6:30 p.m. at the Parker School.

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to adjourn the meeting at 9:15 p.m.

For the Board of Selectmen, by

Judith E. Carter

Regular meeting of the Board of Selectmen held Monday, April 27, 1992 at the Parker School Library at 6:30 p.m. Members present were: William R. Logan, Richard E. DeFreitas and Jeffrey A. Brem. Peter V. Lawlor joined the meeting at 6:40 pm and Roger A. Blomgren was out of Town. Town Manager Bernard Lynch was also present.

Chairman Logan called the meeting to order at 6:35 p.m.

Motion by Mr. DeFreitas, seconded by Mr. Brem, unan. to proclaim the week of April 27 as Youth Government Week. Mr. DeFreitas read the proclamation.

Approval of the minutes of March 30 and April 6 will be held until Mr. Blomgren is present.
Motion by Mr. DeFreitas, second by Mr. Brem, unan. to approve the minutes of the meetings of April 9 and April 13, 1992.

The Board then met with Town Accountant Bernard Meyler. He told the Board that the books are all closed for FY91 and we have the Audit Report and the Free Cash figure. They are working on FY92 and are up to date on receipts, etc. Mistakes are being corrected on the computer and the computer company is writing a report.
Mr. DeFreitas commented that he hopes we can close out FY92 during the first month of FY93. Mr. Lawlor asked Mr. Meyler if he needs anything else from the Board to do the job for the upcoming year and Mr. Meyler said he is not happy with the computer software, he can't do the reports he would like to generate and day to day tasks take 3 times as long as they should.
Mr. Lynch said that in the Capital Planning Budget we are asking for money to begin the process of updating the equipment, and he asked the Board to give support to that proposal.
Mr. Lawlor ask Mr. Meyler to explain how he would tie in the new software and he said he would run old and new concurrently for a month. He said he has tied in systems before and Mr. Lynch said that the Finance Director has, also. Mr. Meyler explained that he didn't want to change anything until we were up to date.
Mr. Lawlor asked Mr. Lynch with Midge McCormack leaving will they fill the position immediately and Mr. Lynch said Yes, with a data entry person.
Mr. Meyler said that they will be moving the payroll department to the Accounting Dept. from the Treasurer's office. Mr. Meyler said he has been looking at new software and feels comfortable where he is right now.
Mr. Logan asked him to plan to come to meet with the Board every month, Mr. DeFreitas asked him to come in when he is all caught up, and Mr. Brem asked him for a report on the software he is looking at.

The Board then held Public Hearings on streets up for acceptance at Town Meeting. Town Engineer/DPW Director Jim Pearson was present with recommendations on each street.

1. **Boardwalk** - Mr. Pearson recommends acceptance. The Planning Board is holding a $5,000 bond on Boardwalk and Pennsylvania Avenue. No one present spoke in favor of or opposition to this acceptance. Motion by Mr. Lawlor, seconded by Mr. DeFreitas, unan. to approve.

2. **Pennsylvania Avenue** - The work is complete and Mr. Pearson recommends acceptance. No one was in favor of or opposed to this acceptance. Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to approve.

3. **Waterford Place** - Mr. Pearson recommends accepting the first 835 feet, with 8 lots. The Planning Board is holding a $5,000 CD, to be released upon acceptance. No one spoke in favor of or opposition to this acceptance. Motion by Mr. DeFreitas to approve, seconded by Mr. Lawlor for discussion. He asked if acceptance is only to the temporary cul-de-sac and was told Yes. He asked who would be responsible for any damage done to the the first part of the street while work is being completed on the second part and was told it would be up to the contractor. Vote was 4 in favor to approve.

4. **Braeburn Road** - 9 lots off Park Road, or 1146 feet. The Planning Board is holding a $72,000 passbook. Mr. Pearson said the road is 90% complete and we have the As Built plan. Mr. Pearson is recommending acceptance if we have the Planning Board turn the bond over to the Town and have the $6,000 worth of work completed by the Town and give the rest of the money back to the contractor. He has no incentive to complete the work since the bank will give the rest of the money to the FDIC. No one present spoke in favor of or opposition to this acceptance.
Motion by Mr. DeFreitas to approve, seconded by Mr. Lawlor for discussion. He asked Mr. Pearson if we should accept the street before completion of the work and he said we should get Town Meeting acceptance.
Mr. DeFreitas amended his motion by adding upon completion of the work with monies being taken from the savings account. Vote on the amendment was 4 in favor. Vote on the main motion to approve was 4 in favor.

5. **Purcell Drive** - Mr. Pearson said that this 1100 foot street was approved by the Planning Board in 1967 and the bond was released in Sept. 1969. We have the As Built plans, which met the standards at that time. The road is still in good shape. Mr. Logan asked if anyone wished to speak on this acceptance. **Bernice Scott, 25 Purcell**, said they have lived there for 23 years and were not notified by the Conservation Commission when

they took over the Cranberry Bog. Mr. Lynch said they didn't have to notify anyone. She said that they have a right of way deeded directly to the Lowell Cranberry Co. Gordon Scott said there is supposed to be a drain around the circle and was told to talk with Jim Pearson after the meeting. Mr. Lawlor said they should consult an attorney about the easement.
John Balian, 3 Purcell, asked if there are going to be any changes to the road and was told No. The acceptance just fell through the cracks in 1969.
Frank Andreatta, 1 Purcell, said that they have had frost heave problems in past years and Mr. Pearson said they have fixed a major drainage problem near Meehan Drive.
He said that there is a catch basin near Acton Road and Purcell Drive which freezes over and asked if it had been taken care of. Mr. Pearson said No, but he would take a look at it.
On the second half of the street, 1280 feet, there is no As Built plan for the extension. He recommends if the Board votes to accept the street they should ask the Engineering Office to draw the Street Acceptance plan.
Pat McCormick, 14 Purcell, said she has lived there for 9 1/2 years and feels that several things fell through the cracks. She said there should have been drainage between her house and #12, which was corrected by Harold Gray, former Highway Supt. She has heard that her house is in a Flood Plain. Mr. Pearson said this is not up to the Town but to the surveyor to tell her.
No one spoke in oppostion to acceptance.
Mr. DeFreitas said that since this fell through the cracks 23 years ago he will move to accept and ratify the 1967 vote of the BOS at that time for the first section, seconded by Mr. Lawlor, 4 in favor.
Motion by Mr. De Freitas, seconded by Mr. Lawlor, unan. to accept Mr. Pearson's recommendations and ask the Town Engineer to do a mylar for the extension.

6. **Thornton Lane** - app. 1966 feet. Mr. Pearson said they couldn't find the original BOS vote but did find the release of the bond by the Planning Board for 640 feet, and think it was probably accepted by the BOS along with Purcell. There are no As Built plans and he is recommending that the Engineering Office be asked to draw them.
George House, 12 Thornton Lane, said he recommends approval and no one was opposed.
Motion by Mr. DeFreitas to accept, with the Town Engineer to draw up the As Builts, seconded by Mr. Lawlor, unan.

7. **Meehan Drive** - Mr. Pearson said it is the same as the first half of Purcell - 957 feet, and we do have the As Built plans.
No one spoke in favor of or opposition to this acceptance.
Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to approve.

Donald Darling, present owner, and Allan Baron, prospective owner, were present to discuss the transfer of the Common Victualer and Billiard Table licenses for "Pockets", 313 Littleton Road.
Mr. Logan read the letter of intent to purchase the business signed by Mr. Darling and Mr. Baron and his partners Robert Campbell and Patrick Hamilton. He said that Mr. Baron owns the Cue Connection in Merrimack, NH. Don Darling told the Board that he has owned Pockets for app. 3 years and now wants to sell because he can't afford to keep it going. He had modeled the room on Mr. Barons' place in NH, and expanded it to hold small dances. The police asked him to stop holding dances and he has done so. Mr. Baron is planning to bring in leagues and tournaments.
Mr. Baron said he has been in Merrimack for 6 1/2 years, and has been one of the first upscale billiard operators. He runs a family business, catering to the adult community, and said he does not want to transfer the entertainment license. Mr. DeFreitas asked how big a change in scope was he planning and Don Darling said that he hadn't had tournaments and was licensed for 18 tables, although he had sold one to pay for the dance floor. Mr. Baron said he wants to use the 17 that are still there.
Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to **approve the transfer of the Billiard Table and Common Victualer licenses.**

Board members had no reports and Mr. DeFreitas said he wants to ask the **Town Manager to report on Hart Pond and the dog situations.** Mr. Lynch had to leave the meeting to meet with the Finance Committee. It was noted that he has two appointments to make.

At 7:30 p.m. motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to table these items until Thursday, April 30, at 6:45 p.m.

For the Board of Selectmen, by

Judith E. Carter

Regular Meeting of the Board of Selectmen was held at Parker School Library at 6:45 p.m. on Thursday, April 30, 1992. Members present were William R. Logan, Richard E. DeFreitas, Peter V. Lawlor. Jeffrey A. Brem joined the meeting at 6:55 p.m. Selectmen Blomgren was out of Town. Town Manager Bernard Lynch was also present.

Chairman Logan called the meeting to order at 6:45 p.m.

Chairman Logan asked the Board members for their reports.

Selectman DeFreitas reported that E.S.P. will be meeting the 2nd Wednesday of every month.

Selectman Lawlor said that he and Selectman Brem had received the Policy and Procedures the previous boards had adopted. He asked permission from the board to revise them to make them more readable and easier to follow. He would not be revising the content only finding facts to establish a criteria for issuing licenses, etc. With the boards permission granted he will go ahead with the project and distribute for their review when it is complete.

Town Manager Reports: Bernie reported that he was pleased that the town has maintained their A1 bond rating. This will be helpful for the upcoming Sewer and Capital Planning improvements. **Baptist Pond:** Bernie said they are continuing to monitor the pond, taking the dam down 2 inches at a time. Selectman Lawlor inquired about the letter the Board received from Jim McBride stating that a permit was needed to lower the dam. Bernie said that McBride wanted to put in writing that a permit was needed. Bernie reported that he has requested the Board of Health, D.P.W. and Conservation Commission provide him with a written chronological account of when they heard about the problems at the pond, how the complaints were handled, site visits, etc. Mr. DeFreitas said he thinks there should be better communication between boards. Mr. Brem said he doesn't want the same thing to happen again and would like Jim Pearson, Conservation Commission and Carlisle to prepare a management plan. Bernie reported that a plan has already been put in place per recommendation from Mr. Fumilaro, Dam Safety Inspector with the state. **Kransneki Dog:** Bernie reported that he met with Mr. Krasnecki and he has agreed to keep his dog tied. **North Town Hall:** Bernie stated that the town received approval from town meeting 2 years ago to sell the property but he was waiting for the market to come back. Bernie said he would like a clean sale, not to a non profit organization, with a minimum bid of $100,000. Bernie will prepare bid package for Board to review before the next meeting. Jeff suggested speaking to the Historic Commission to see if they want to make restrictions.

Other Business: Selectmen DeFreitas asked Bernie if he had an update of the Gun Club. Bernie said that he met with the neighbors at 5:30 this evening and has a meeting with Westford May 1. Selectmen Lawlor asked about the beaver issue at Stoney Brook. Bernie reported that they are watching the area and breaking down the dams when necessary.

Appointments: Bernie asked that Boards approval for Will Perry to be appointed to the Personnel Board. Mr. Defreitas made the motion, Mr. Logan 2nd, unamious.

Contract Awards: None

Chairman Logan introduced Larry Fisher of 2 Kelshill Road who asked the Board to review his handout regarding issues concerning the Water Tower. Mr. Fisher explained that he did not feel all the needs of the residents had been met in the area especially concerning water pressure. Due to the time factor Mr. Kelshill was only able to speak to the Board briefly about his concerns. Mr. DeFreitas said he is looking forward to his presentation this evening.

There being no further business the meeting adjourned at 7:25 p.m.

For the Board of Selectmen, by

Marian D Currie

Regular meeting of the Board of Selectmen held Monday, May 11, 1992. Members present were: William R. Logan, Richard E. DeFreitas, Peter V. Lawlor, Jeffrey A. Brem and Roger A. Blomgren. Town Manager Bernard Lynch was also present.

Finance Director Fred Mansfield was present asking the Board's approval to sell $8.265 mil in bonds. He explained the terms, and Mr. Lynch said that the rate is 5 1/2%. Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to approve the sale of the bonds.

Mr. Lynch told the Board that he has appointed Bruce Knowles to the Chelmsford Commission on Handicapped Affairs and Joseph B. Shanahan, Sr. as the part-time Assessor.
He also notified the Board that there is a meeting at the Billerica Town Hall on Wednesday evening to discuss regionalization.

Mr. Brem left the meeting at 6:45 p.m. At his request Mr. Lynch discussed Mr. Brem's interest in obtaining notepaper-sized stationery for the Board, but other Board members did not think this was necessary.

Mr. Logan announced that the next meeting will be held on Monday, May 18th, and will be primarily to meet with Town Counsel in Executive Session to discuss pending litigation and collective bargaining.

At 6:55 pm motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to adjourn.

For the Board of Selectmen, by

Regular meeting of the Board of Selectmen held Monday, May 18, 1992. Members present were: Richard E. DeFreitas, Peter V. Lawlor, Jeffrey A. Brem and Roger A. Blomgren. Chairman William Logan was absent. Town Manager Bernard Lynch was also present.

The Board met with Jeff Stallard, 146 Tyngsboro Road, in Open Session. Mr. Stallard is a member of the Veterans' Memorial Park Committee and had thre reasons for coming before the Board: 1. they are asking for the replacement of two POW flags, the one in Vinal Square is ripped and the Center Common flag has a hole in it. They would like them replaced prior to Memorial Day and Mr. Lynch said this will be done. 2. The Park Committee wants to thank Mr. Lynch and the Board for giving $5,000 HUD money to the Committee; and 3. the Veterans' Memorial Park Committee is holding an Awards Night at the Chelmsford Elks on June 12th at 7:00 pm and they are inviting the Board as their guests.
Mr. Lawlor asked Mr. Stallard why the third flag at the park is not related to the Veterans or the United States, and Mr. Stallard said that it should hold the State or Town Flag but that they are now rotating the flags on the third pole for holidays or commemorative occasions.

Vice Chairman DeFreitas called the meeting to order, noting that Mr. Logan is absent.

No Board members had Reports.

Mr. Lynch reported that re Baptist Pond, the water has been lowered by app. 1 foot, actually 9 inches, and we have stopped removing boards from the dam. Some people are now concerned that the water level is too low, and we are continuing to monitor the situation.

2. Mr. Lynch reported that re the beavers in North Chelmsford, he asked the Conservation Commission to contact the Friends of Animals to have them removed and he has also asked to have the debris created by the beavers cleaned up.

3. Littleton Road - Mr. Lynch reported that an agreement is being worked out and repaving work should start within a week to 10 days and should be completed by June 30th. They will do patching and put down one inch of bituminous concrete (this is controlled by the State).
Town Counsel James Harrington said that we have a copy of the permit from the State. Mr. Brem said that there should be a base coat on the road plus a 2" topcoat and they're only doing one inch. Mr. Harrington told the Board that a letter has gone from the Sewer Commission to the State expressing their concerns over the repaving.
Motion by Mr. Blomgren, seconded by Mr. Lawlor, unan. that the Board send a letter to the State expressing displeasure with state standards for paving, with copies to our Senator and State Rep.

Mr. Brem told the Board that he had attended a meeting with Mr. Lynch that included Town Managers, Selectmen and Finance Committees from neighboring Towns. The meeting was hosted by Billerica and the purpose was to discuss aspects of regionalization. The Town Managers had already met on this subject, now elected officials have met and all present at the meeting agreed to put out a mission statement to try a regionalization effort, feeling it would be more efficient. Mr. Lynch said the Town Managers will meet to draw up a mission statement next month and added that there has been political resistance to regionalization in the past which is now being eliminated. He has also met with Towns to the South and West to discuss regionalization.

Mr. Lawlor asked more about the beaver problem and Mr. Lynch told him that this will be a test case for the Friends of Animals We need a long-term solution, and this problem is not unique to Chelmsford.

Motion by Mr. Blomgren, seconded by Mr. Brem, unan to approve the one-day liquor license for May 24th for St. Vartanantz Cultural Pavilion but to have them attend a meeting to discuss their plans before issuing them the reqeusted license for June 26 and 27.

Motion by Mr. Lawlor, seconded by Mr. Brem, unan., to issue a one dy liquor license to St. John the Evangelist Church for May 30th.

There was no New Business.

At 7:50 pm motion by Mr. Lawlor, seconded by Mr. Brem, to adjourn to Executive Session to update the two new members on where we stand with pending litigation and collective bargaining. Roll Call vote was as follows: Mr. Lawlor-Aye; Mr. Brem-Aye; Mr. Blomgren-Aye and Mr. DeFreitas-Aye. Mr. DeFreitas told the press that the Board would not be returning to Open Session and there would be no announcements.

For the Board of Selectmen, by

Judith E. Carter

Regular meeting of the Board of Selectmen held Monday, June 1, 1992. Members present were: William R. Logan, Richard E. DeFreitas, Peter V. Lawlor, Jeffrey A. Brem and Roger A. Blomgren. Town Manager Bernard Lynch was also present.

During the Open Session residents of Hart Pond were present to discuss the water level of the lake with the Board. Mr. Logan gave the background of the problem and asked for any new developments.
Leonard Fitzgerald said he has owned property on the lake for 30 years and used the pond for 50 years. He opened his cottage 3 weeks ago and noticed beach that usually doesn't show until August 1st. He took measurements on May 17th and others agreed that it was too low. He told the Board that we could lose the lake if the water level stays like this, with evaporation and heat waves, and it is not the pond's fault that we have septic problems.
Bud Keenan, Lakeside Avenue, read a short statement from a group of neighbors, and thanked the Board for lowering the water level. Mr. Keenan said that the story around the pond now is that the problems with the pond are stemming from Lakeside Avenue. After April 6 when the Board ordered some of the boards at the dam taken out it was feared that all would be flooded downstream, but this didn't happen.
Mr. Lynch said that we have a report from the Dept. of Environmental Management which made various recommendations. DPW Director Jim Pearson said he would follow all the recommendations except the stop logs at the pond. Mr. Lynch said the report from him and Mr. Pearson is not complete yet, that quite a bit of work is going into it and it will be done in July. They are trying to balance the needs of both sides. He has already asked the Board of Health to test all the septic systems around the pond.
Cheryl Collier, Lakeside Avenue, said they need the Board of Selectmen and the Board of Health to agree not to raise the level of the lake.
Selectman Brem said he has measured 29" from the top of the Boards, and others want it lowered to only 22" from the top. The Town Manager will report on what has been happening.

Susan Olsen, 140 Groton Road, said that she wants to speak on behalf of six other residents on the beaver problem and flooding. Mr. Logan said we will go back into Open Session after the regular meeting. It was agreed that Mr. Lynch will meet now with the North Chelmsford group and the Friends of Animals. He will rejoin the meeting in time for the Public Hearing on Country Club, Too.

At 7:30 p.m. Chairman Logan called the meeting to order.

Motion by Mr. DeFreitas, seconded by Mr. Blomgren, to approve the minutes of March 30 and April 6. Vote was 3 in favor, 2 abstentions (JAB and PVL, because they were not yet on the Board).
Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to approve minutes of the following meetings: April 13, April 27, April 30, May 11 and May 18, 1992.

Mr. Logan then presented a Certificate of Appreciation to Frank Roark of Roark Irrigation, for his donation of an automatic sprinkler system at Town Offices. Mr. Roark said he was glad to do it. Mr. Blomgren commented that Mr. Roark's company has been very active over the past 10 years in raising money for the needy over holidays.
Mr. Logan then thanked Bruce Cumming Landscaping for the donation of the landscaping at the Town Offices and we will send him a Certificate of Appreciation.

Mr. Logan then opened the Public Hearing on the application of Angeliki Kalogerakos for a Common Victualer's license for a Greek restaurant EVZON, in Bay 1, Courthouse Shopping Center, 83 Parkhurst Road. Ms. Kalogerakos said she wants to open a Greek American Restaurant, with no liquor, with a seating capacity of 50. Mr. Blomgren questioned the septic system but a memo from the Board of Health said any problem has been resolved. Ms. Kalogerakos said she would like to open in 3 weeks, that she has never run a restaurant before and the hours requested are 11 am - 10 pm seven days a week. She presented the green Return Receipt cards, and no one present wished to speak in favor of or against this license.
Motion by Mr. DeFreitas, seconded by Mr. Lawlor, to approve this license with the hours applied for. Vote was 4 in favor, 1 abstention - Mr. Logan, since the Courthouse is an abutter.)

The Board then held a Public Hearing on the application of Country Club, Too for a Wine and Malt Beverages Club License. Mr. Logan turned the Chair over to Vice Chairman DeFreitas and left the room, stating he has a conflict of interest since he is the General Manager of The Courthouse.
Attorney Dennis McHugh addressed the Board, saying that he is representing David Cunha and Country Club, Too. The building at 67 Parkhurst Road has 30,000 square feet, of which Country Club USA is using 10,000. The parking lot has 100,000 sq. ft. and 160 parking spaces. Mr. Cunha has purchased the property and the rest will be retail space.
Mr. Cunha has formed Country Club, Too and wants to use 6,000 sq. ft. of space to use as a club for billiards tournaments and professional associations. He is asking for the Beer and Wine license to promote these tournaments, of which many are sponsored

by beer companies. Tournaments will bring increased business to the area and Budweiser wants to sponsor two 256 player tournaments. Mr. Cunha would manage this 6,000 sq. ft. area as a private club, and has planned for 31 lounge seats, all at the bar. The hours requested are from 11 am - 1 am for the Common Victualer license, and 11 am - 12 midnight for the Beer and Wine license.

Mr. DeFreitas asked if anyone present was in favor of the application, and Cheryl Washafsky, 2 Moonbeam Avenue, said she is suppporting the expansion of the premises. No one spoke in opposition to the application.

Michael Rossman, Vice President of Mad Maggie's, said they have a beer and wine license in Danvers. This is a family-type business, with 34 pool tables and arcade games, club type food, and they have had an alcoholic license from the beginning. Their room is split in two, one side for minors and one for adults, with 3 cocktail serving areas. It is not a private club, but open to the adult public. Mr. DeFreitas asked if the license requested for Country Club, Too is strictly for the private part and was told Yes.

Mr. DeFreitas said it is the policy of the Board not to vote on a liquor license on the same night as the Public Hearing and we will schedule the vote for June 15th.

Mr. Brem asked if any more pool tables are being contemplated and Mr. Cunha said Yes, he will have 47 when the rooms are completed. He added that if they are ready by July 18th they can book 2 major tournaments.

Mr. Brem asked how this addition would affect the total parking and Mr. Cunha said it would require just more than one-half the 150 spaces. He said that he has no room for amusement devices, and will be adding restroom facilities.

Mr. Blomgren asked if he is asking to expand the tables to 47, and Mr. Cunmha said Yes, and that the present food service area will serve both rooms.

Mr. Cunha told the Board that he has a camera system for security on the stairs and in the parking lot and will put in more cameras for surveillance of the whole parking lot.

This is a family business, his wife and daughter both work here, and he has put his life savings into the building. He intends to pledge the liquor license to the bank.

Mr. DeFreitas asked if membership in the club will require pool skills, and was told not necessarily. Mr. Lawlor asked if when he got his license in 1990 he planned on Beer and Wine, and Mr. Cunha said no, that he didn't plan to own the building, either.

Mr. Lawlor asked what if he doesn't have enough business privately, and Mr. Cunha said he will have top pros come in every couple of months.

When asked by Mr. DeFreitas Mr. Cunha said that the tournaments will start in both sections, but beer will be allowed in only one section. He was asked about a card key door, and said he doesn't consider it as good as checking an ID and membership card.

Mr. Blomgren said that the Cunha family has shown good performances in any business they have been associated with, are trying to further this business and shouldn't have to wait two weeks for the Board to vote.

Mr. DeFreitas stated that we should follow our practice to be consistent, that he is not against the license but doesn't want to make an exception by voting tonight. We could vote the Common Victualer license, but he feels they should be voted together. Mr. Brem said he won't be here on the 15th, and would be inclined to vote tonight.
Motion by Mr. Blomgren to waive the waiting period to give the petitioner the opportunity to proceed, seconded by Mr. Brem.

Lisa Delfino-McLaird, 72 Amble Road, said she thinks the business would be enhanced by the enlargement and the license.
Motion by Mr. Lawlor, seconded by Mr. Brem, unan. to close the Public Hearing.

Vote on the motion to waive the waiting policy was 3 in favor, 1 opposed (Mr. DeFreitas).

Motion by Mr. Lawlor, seconded by Mr. Brem, to vote to approve the Common Victualer license contingent upon the granting of the Beer and Wine license. Vote was 4 - 0 in favor.

Mr. Blomgren moved to approve the Beer and Wine license subject to: having Mr. Cunha report back to the Board on his progress prior to the renewal of licenses at the first meeting in December.
Mr. Brem seconded the motion for discussion by adding the self-inmposed condtion that he go as a private club, requiring for membership suficient documentation of age and ID, and adding the hours from 12 noon to 12 midnight.
Vote on these amendments was 4 - 0.
Mr. Lawlor said this is a difficult application for the Board to consider, due to the image of pool halls. He said he had visited last night and found it was clean and well-run. He knew the family when they had the Oaken Bucket in Westford, which was always first class, and he feels their credentials warrant special attention.
Mr. Brem said he had visited Friday night and there were no problems - it was a clean, well-run club.
Mr. DeFreitas said he remembers the Old Oaken Bucket - that it was always clean and well-run.
Vote on the motion to grant a Wine and Malt license as a Private Club from 12 noon - 12 midnight was 4 - 0 in favor.

At 8:40 p.m. Mr. Logan stepped back as Chairman, and the Board met with the Chelmsford Alcohol and Drug Awareness Committee (C.A.D.A.C.) Steven Hone, Chairman, said that Bud Wilkins, Sandra Hone and Tom Quattrocchi serve as directors of the group, which was founded five years ago. He listed some of their projects: working with awareness projects such as SADD; putting out a community information booklet to be mailed to each home; sending out a newsletter to members; involvement with a leadership program with the Recreation Commission and CHS

students; booth selling T-shirts, etc. at 4th of July; Drug Awareness tables at the schools; information phone at Town Hall - 256-2005; Red Ribbons Day, run by Wendy Marcks, for all schoolchildren; support groups at CHS 3 times per week; Drug Free signs placed in all schools, purchased through grant money.
Mr. Hone said that CADAC is having a difficult time getting support and may not survive the summer. They are appealing to anyone in the Community who would like to get involved, and need new ideas and people to come in and assess where the group is at.
Mr. Blomgren said he has served as an informal liaison between the BOS and CADAC and can no longer do so. We need someone to attend meetings and report back to the BOS. Mr. Logan said they will have a new liaison within a few days.

The Board then met with Martha Siegel, 19 Kylberd Drive, Westford, a representative from the **St. Vartanantz Cultural Pavillion.** Mr. Logan said he will chair this meeting but not vote.
Ms. Siegel said that the **two one-day alcoholic licenses** requested for June 26 and 27 are for the celebrations of weddings of their parishoners. Mr. Brem said he is concerned about the number of one-day licenses that we are granting to their church. Mr. Blomgren said that in the past it seemed OK if we granted 4 or 5 a year, and asked if the nature of the function hall is supposed to change?
Motion by Mr. DeFreitas, seconded by Mr. Brem, to grant these two licenses, noting that they are now at the maximum in a revloving 12-month period. AA to send a letter to the church administrator indicating these conditions. Vote was 4 in favor, 1 abstention (Mr. Logan).

Mr. Logan said that **Attorney James Geary is present to explain the request of his client Charles D'Angelo, President of North Chelmsford Auto Parts, for a 3 month extension on his Class III Auto Dealer's license.** Mr. Geary said that Mr. D'Angelo has had a Class III license at that site since 1965 and there has been an active industrial business there for over 60 years.
Mr. D'Angelo has had to work with the Board of Appeals and Conservation Commission and is following their conditions. Mr. D'Angelo had written a letter to the BOS stating that he is having trouble sticking to schedule but plans to complete the clean-up project. Town Counsel has recommended that the Board extend the license for 90 days or until the September 14th meeting.
Motion by Mr. DeFreitas to grant the extension to the first meeting in September, seconded by Mr. Lawlor, unan.

Mr. Geary then explained the letter to the Board re their right of first refusal on selling two lots of the Sheehan property. These are the same two lots as last year, but the sale didn't take place. The lots are now under agreement for $60K and $65K. Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to waive the right of first refusal for the Town.

Under Reports, Mr. Logan reported that D.J. Reardon was going to build a $3 mil facility at the Drum Hill Tech. Park but is now not going to for several reasons - their biggest concern is the economy and they will stay in Billerica. This was a flagship project for his Economic Development Project, and it was noted that they had encountered some annoyances in Town.
Mr. Logan wants to ask the North Chelmsford Water Commissioners to our June 15th meeting to discuss policies. Mr. Logan will draft a letter inviting them and also with a list of questions we will be asking.

Mr. Logan asked the Town Manager for an update on the Littleton Road re-paving. Mr. Lynch said that it began a couple of weeks ago and that he gave erroneous information at the last meeting regarding the amount of paving going down - they have patched out certain sections and are putting down 1 1/2" of binder pavement and 1" of topcoat, which is a standard amount of paving. They hope to finish by June 30th.

On the parcel of land on Drum Hill Road between Burger King and the Plaza - Mr. Logan talked with the bank and there is a problem with the land. Mr. Lynch said it is a gas problem, and we have tried to get the owners to deal with the hazards at the property - breaking out and boarding up windows.

Mr. Logan asked about Canned Goods Plus on Princeton Street, where there are trailers parked on the site. Mr. Lynch said that Middlesex Sales owns the property and on April 9 they were taken to court by the Fire Dept. The new date is June 16.

Mr. Logan said thanks and congratulations to Jeff Bren for the Selectline - it is a big help to the Selectmen.

Mr. DeFreitas reported that his ESP group is going into a new phase - they are going to be more pro-active, and will meet the second Wed. in the month.
He checked on the Canal Street pole in the middle of the street and found 5 more poles in the middle of roads in East Chelmsford. Mr. Lynch will check with the utility companies.
On the Hart Pond matter, Mr. DeFreitas said it looks like the water could come up during the summer. He saw a lot of green slime near the beach area and asked that while the lake is low we ask the Board of Health and the DPW to do a full inspection of all properties to see if there is any unwanted dumping.

Mr. Lawlor said that as a Policy we have asked recycled paper to be used when possible by Town depts. and asked Mr. Lynch to determine what percentage of paper used is recycled.

Mr. Lawlor said that re the Board's credibility - we need to let the townspeople know that we're spending their money wisely.

Competitive bidding under Chapter 30B - he asked the Town Manager to make all departments aware of the requirements.

Mr. Lawlor thanked the Chelmsford Businessmen's Association for a very outanding, informative evening when they met at Bainbridge's and invited the Water Districts.

Mr. Lawlor asked Mr. Lynch on behalf of the BOS to ask the School Dept. for copy of the CHS AIDS program and video.

He asked the Town Manager to draw up a schedule of reviewing operations of different Town Departments at various times of the year. Mr. Lynch said the Board needs to establish an annual calendar and more formalized procedures.

Mr. Lawlor asked about a facilities plan - do we have one, and Mr. Lynch said that the 5-year capital plan began in 1986, but it is more budget than plan at this point. He is meeting with the Capital Planning Committee to set up a new 5-year plan.

Mr. Brem reported that he is starting general overall planning on the Route 110/Chelmsford Street corridor. The Town Engineer is getting a base map and he will start working on a long-range plan - cut down on the number of curb cuts, widen in some places, do aesthetic improvements, encourage sign conformity and pole relocations. He said there is still some state funds and federal grant monies available.

On the Select line, he said he considers it an overwhelming success, with over 50 calls. Many are adminstrative in nature and are taken care of by the Town Manager and the staff. There have been two calls from McFarlin Manor about rent increases, and he asked to have this looked into. Mr. Logan said he thinks this is through the CHA, and Mr. Lynch said he thinks the rent levels were set by the federal government back in 1986. We will send a letter to the CHA.

Mr. Brem announced that the Cultural Counsel is sponsoring an All Arts Weekend the first weekend in October. He is going to contact other civic organizations to see if they would like to do booths, etc.

Mr. Blomgren asked to have the Police Dept. increase surveillance and patrols at Freeman Lake and the spillway area, ask the DPW to repair signage and ask the Recreation Commission to come in on June 15th for a 5-minute update.

Mr. Blomgren asked about **Frequency Sources**, when are they coming in, and said he doesn't want to see them until their engineer is back from Turkey.

The **Town Manager** reported that on the **North Town Hall**, he has given the Board a draft of the **RFP**, and thinks we should get a minimum of $75K. The RFP comes under CH30B and is being reviewed by Town Counsel. Mr. Lynch thinks the building is worth much more. The Board asked Mr. Lynch to obtain two appraisals by June 15th. Mr. Brem asked where the proceeds of the sale go and Mr. Lynch said in the capital account, which is a special account.

On the matter of **Hart Pond, Mr. Lynch** said that on April 6 the Board asked him to lower the pond at the residents' request. It was lowered 9", and is now down 7", and now we are getting complaints re biology and recreational opportunities at the lake and septage being discharged into the pond. The Board of Health will start dyetesting and sampling water. We will be studying the impacts of the water level and will be deciding on a summer level and a fall level for storage reasons. There are conflicting demands and we can't satisfy both sides. We will reach a compromise in the next ten days. He and the DPW Director feel it should be raised 3 - 4" now. A neighbor Mr. Robinson has installed motion detector lights near the dam so boards can't be taken out again without anyone knowing.

On the **beaver problem, Mr. Lynch said he met with neighbors on Swain Road and Dunstable Road and the Friends of Animals.** To date we have been cleaning out debris from Swain Pond in the culverts, and will do so for the next 4 weeks until the Friends start their trapping on July 1st.
He introduced **Steve Ruggeri, the Director of Wildlife Policy for the Friends.** He said he had held a seminar which was not well attended and they will hold another one. The theory is to modify the dams at their expense: to put beaver flumes and baffles to keep a desirable level of water and to fix the culverts so the beavers can't dam them up. By the end of July they hope to have physical materials in place to eliminate flooding problems. The Friends will practice biological control by trapping and vasectomizing male beavers and then putting them back in their habitat. Results won't be immediate - it is a long range program. Mr. Logan said that flooding is the biggest problem and Mr. Blomgren added also damage to property. Mr. Ruggeri said that these problems can be controlled through devices that are not very attractive but do the job.

of crimes reported to the police, on the seven major crimes. He said that the Chelmsford rate increased by 5.3% in 1991, which is better than most comparable communities. The violence rate increased by 35.8%, which is mostly domestic violence, violations of restraining orders, etc. and most assaults are basically drug related problems.
The department has very little control over the crimes reported but has control over how they respond. The Town's crime clearance rates are very good and the Chief feels that crime is pretty well under control, although there is some increase in robberies - pocketbook snatchings and household invasions.
The Chief said that this is a pivotal year, financially, that we are starting to increase personnel and with a higher staff level the better our clearing rates should be. He added that we definitely need a new station, that E-911 is the best public safety bill ever enacted, since it will cover the whole Town, and our policy on high speed chases is very tight and closely monitored.

Under **Town Manager Reports** Mr. Lynch said that the **Police Chief has received a $10,000 grant for the Town** to address speeding, pedestrian crossings and child restraint belts.
He told the Board that re **Town line signs**, we had ordered Mass. DPW signs to be placed asap two years ago. He further reported that the State has approved **signs on Rte. 495** for hotels and restaurants and they are very expensive.
Motion by Mr. Blomgren, seconded by Mr. Brem, unan. to ask the **Town Manager to draft a letter to the Governor** saying that the State is not improving the economy by charging a monthly rent for these highway signs as well as a high installation cost, with copies to our state rep. and senator and the Secretary of Economic Affairs.

Mr. Lynch told the Board that on August 25th at 7:30 pm the **School Department is meeting with the Emergency Management Agency** and the Board is invited.

Under **Board Member Reports, Mr. DeFreitas** said he commends Mr. Logan and the EDP for getting Waltham Technologies and Sun Micro Systems to locate in Chelmsford. He added that ESP will hold a series of televised seminars on Cable 43 in September on starting up a small business.

Mr. Brem reported that we have received a letter from the Hart Pond Improvement Association and asked Mr. Lynch for a report on that situation at the Sept. 8th meeting. He added that the Board appreciates the calls fronm residents that have been coming in on the **Selectline**.
Mr. Brem noted that the **Conservation Commission** is meeting on August 19th on the beaver issue, and Mr. Lynch said that he has met with the Board of Health this evening to discuss the water quality issue and they don't think it's reached emergency proportions yet. He has asked the Conservation Commission to

proceed with long term beaver control measures.

Mr. Blomgren reported that Tom Moran has asked for the formation of an Ambulance Study Committee and moved to ask the Town Manager to work towards the formation of that committee, to include Walter Hedlund, a FinCom member, reps from Police, Fire, citizens and a Project Manager. Motion seconded by Mr. DeFreitas, unan.
Mr. Blomgren noted that we have received a petition for streetlights on Shedd Lane, and Mr. Lynch said that many streetlight requests have been put on the back burner for a while, but we are now going to buy, not lease, our lights. We will be converting a number of older lights, as well as all new lights, to this plan within 6 months.
Mr. Blomgren asked about the use of HUD money for the restoration of Varney Playground, could we use some to do the restrooms. Mr. Lynch told him that DPW Director Pearson is getting prices to restore the restrooms and it will be done before next June.
Mr. Blomgren asked to have the Boy Scouts in to discuss the conditions at the East School and Mr. Lynch said he will have the Building Inspector look at it.
Mr. Blomgren asked that Mr. Lynch ask for annual reports from the Chairmen of appointed committees as to what they have done over the past year and what their goals are.

Mr. Logan reported that the Finance Committee Chairman has asked the Board and the School Committee to meet with them on September 2nd, along with the Town Manager and Supt. of Schools.

Mr. Logan said that September 18 is National POW Day and he will draft a Proclamation for the Board to sign.

Mr. Logan reported that the Board has met with the North and Center Water Districts and although we have no jurisdiction over them we are trying to find out their policies and procedures and will meet with them on a yearly basis. The Board will meet with the East District on September 15th and report back on any consolidation plans after that time.

The Chairman said that the Board welcomes Sun Microsystems and Waltham Technologies, both recently moved into Town and occupying vacant space.

Under Policies Previously Submitted motion by Mr. Brem, seconded by Mr. DeFreitas, unan. to adopt the Role of the BOS and the Town Manager policy, in 4 parts.

Chairman Logan made the following Appointments: Northern Middlesex Council of Governments(NMCOG) - William R. Logan, BOS, Bernard F. Lynch, BOS Alternate; Middlesex County Selectmen's Association - Jeffrey A. Brem; Lowell Regional Transit Authority(LRTA) - Roger A. Blomgren; Chelmsford Alcohol and Drug

Awareness Committee(**CADAC**) - Peter V. Lawlor; Economic Development Partnership(**EDP**) - Richard E. DeFreitas.
Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to re-affirm these appointments. The Town Manager will work up a new compensation package to be presented at the Sept. 8 meeting for Town Counsel James Harrington, in the second year of a 3-year contract.

Under **New Business, Mr. DeFreitas** said that a citizen has come in stating that the Chairman of the Conservation Commission was rude and wouldn't listen to him.
Motion by Mr. DeFreitas, seconded by Mr. Brem, unan. to have the Town Manager send a memo to the Chairman of all Boards, Commissions and Departments asking them to please follow the Board's policy on **Pro Service Attitude** and to make sure that all their members/employees are aware of the policy.

Mr. Blomgren submitted an article for the October, 1992 Annual Town Meeting, to amend Art. 16 to make it more positive.

Under **Other Business** on September 8 there will be a vote on warrant articles.
The Town Manager was asked to look into the **Masonic Temple petition to purchase the North Town Hall for $1.00.** Mr. Lynch said that under Chapter 30B, we have to go out to bid to sell a public building and can only lease a public building for 3 years.

At 10:55 p.m. motion by Mr. DeFreitas, seconded by Mr. Brem, unan. to adjourn.

For the Board of Selectmen, by

Isabel E. Carter

Mr. Lynch continued his reports, noting that the Board of Appeals recently upheld the Planning Board approval of the Drum Hill Caldor Expansion which called for landscaping to screen the building from Parkhurst Road. There is not room for firelanes and screening both, but there is land in the shoulder of the road for screening, which would meet Planning Board requirements. They need a license to enter upon the shoulders to place screening and asked the Board of Selectmen to enter into a license agreement. Mr. Lawlor noted that the license is revocable by the Town.
Motion by Mr. Brem, seconded by Mr. Lawlor, unan. to support and grant the license as presented by the Town Manager.

The Sexual Harassment Committee will be invited to the June 15th meeting.

Mr. DeFreitas introduced two new policies:

1. It shall be the policy of the Town of Chelsmford to provide incentives to managerial and administrative personnel to operate their departments below the budget levels approved by the Annual Town Meeting with no degradation in services. These incentives can be of a monetary nature based on actual savings.

2. It shall be the policy of the Town of Chelmsford to pursue a pro service attitude in interfacing with the citizens of Chelmsford. All boards, committees, subcommittees, commisions, departments and other such groups will adhere to this policy in their every day dealings with the general public.

Mr. Brem said we should categorize and number our policies.

Under appointments, Mr. Lynch said that street numbering by-law says that street numbers are set by the Board or their designee, and he recommends the Fire Chief. Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to approve the appointment of the Fire Chief as the Board's designee to set street numbers.

Under New Business, Mr. Brem noted that the override passed by a wide margin so as of July 1st we won't be using tags anymore. He asked about giving refunds, and Mr. Lynch said there are no plans to do so and suggested that people use them up or give them to their neighbors. He commended the people who worked hard to get the override passed. Mr. Lynch will report to the Board on the switchover in systems at the July meeting.

Mr. Blomgren asked to have the Town Celebrations Committee attend the June 15th meeting.

Motion by Mr. DeFreitas, seconded by Mr. Brem, unan. to adjourn the meeting at 10:35 pm and return to a brief Open Session.

Mr. Logan said we will again discuss Hart's Pond, allowing only 3 minutes to each speaker, and asking that only new information be presented.

Cheryl Collier, 9 Lakeside Avenue, said there are many comments that her neighbors are the cause of sewerage going into the pond, but they have legal septic tanks and leach fields. The level of the pond is low enough that you can see pipes and raw sewerage through the area near the railroad tracks. The beach opens on June 15th and the road is closed and the pond not feasible to swim in.

Robert Warner, 5 Lakeside Avenue, is a 3rd generation owner, since 1937, and said he can answer a lot of questions. He approves of the dye testing and would work with anyone he might help.

Leonard Fitzgerald said that the petition he submitted asks that the lake be lowered 22" from the top of the dam, and he wants to see that as a ballpark figure. Mr. DeFreitas asked if he had a problem when the lake was lowered 4 years ago, and he said No. Mr. Brem said he went out yesterday and took measurements and a 7" rise falls into line with the debris marks. He is recomemnding let it rise to 22" by June 1st and we can lower it again in the fall.

Russell Robinson, 14 Lakeside Avenue, said he replaced the boards in the dam the other night and the level in the lake has come up 3" today in the rain. Algae didn't form in the lake when the water was low in the winter - we need the natural flow back into the habitat. We did fine until the Conservation Commission wouldn't let us lower the pond in the fall.

Mr. Logan said there are problems on both sides, which are very real and very emotional. The Board is asking the Town Manager and the DPW to work out a compromise.

At 10:55 pm motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to adjourn.

For the Board of Selectmen, by

Judith E. Carter

Regular meeting of the Board of Selectmen held Monday, June 15, 1992. Members present were: Mr. Logan, Mr. DeFreitas, Mr. Lawlor and Mr. Blomgren. Mr. Brem was out of town. Town Manager Bernard Lynch was also present.

During the Open Session Leonard Fitzgerald, 34 Westview Avenue, thanked the Board for their quick efforts on behalf of him and other persons who signed the petition to have the water level raised on Baptist Pond. When Jim Pearson replaced some of the Boards the water level came back up to 22' below the dam. He said the water is now flowing about 1 1/2" over the boards, but the water level has dropped about 1 1/2' in the pond. He is afraid it will drop more over the summer.
Mr. Lynch said he is continuing to assess the situation, and we have put another board back in. We have to determine the appropriate water level for the winter and then for the summer. He told Mr. Fitzgerald that we won't lower it any more and will add another board if the level decreases too much. It has dropped 5 - 6" from when we started. Mr. Fitzgerald said the level has dropped about 3 1/2" from when the Town put the boards back in and asked if we can maintain that level for the rest of the summer, and Mr. Lynch said yes, unless it drops too much.

John Syria, 6 Monmouth Street, said he is again complaining about his pet peeve - the intersection of Route 129 and Riveneck Road. Mr. Logan said that the Traffic and Safety Committee has said that the layout is what the state requires. Mr. Syria said that PVC pipes were put in and people still don't handle the intersection right, and he wants an island. Mr. Lynch said that we need the space open for plowing and access to the cemetery and for the Fire Dept. ladder truck. Mr. Logan will bring the problem back to the Traffic and Safety Committee and the Town Engineer Wed. night, and Mr. Logan asked to have the Town Manager speak to the Police Dept. to have the Traffic and Safety Officer check this intersection. Mr. Syria also asked to have the crosswalk in front of the library checked.

At 7:20 pm Mr. Logan adjourned the Open Session.

Chairman Logan called the meeting to order at 7:30 p.m.

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to approve the minutes of the May 18 Executive Session.

Motion by Mr. Lawlor to amend the minutes of June 1, 1992 by adding under the discussion of Country Club, Too on Page 3 that Mr. DeFreitas asked if anyone present wished to speak in opposition to the application and no one spoke. Mr. DeFreitas seconded the motion to amend, vote was 3 in favor, 1 abstention (Mr. Logan because he did not sit on the hearing). Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to approve the minutes as amended.

Mr. Logan said that the **Toll House on the Common** has been restored and gave credit to those responsible: Dr. Paul Canniff and his son scraped, John Krasnecki sided the building, Bill Spence paid for the paint, Barry Bell worked on the roof, and Rotary Club paid for the roofing material. Mr. Logan gave **Certificates of Appreciation** to the people involved.

Mr. Logan then presented a **Certificate of Appreciation to Little League's** President George Greenman, noting that with the Senior Field being finished the Little League complex on Route 110 is now complete. Mr. Greenman then read some remarks, giving the history of Little League in Chelmsford, and noting its ups and downs and major accomplishments since 1952. Board members congratulated Mr. Greenman and the organization.

A **Public Hearing was held on the application of C. K. Smith Co. for a Class II Auto Dealer's license** to be exercised at **North Chelmsford Gulf, 81 Tyngsboro Road.** Paul Cahill, District Manager, said they want a used car lot at the gas station, with a maximum of 5 cars. Mr. Logan asked how the lot is laid out and Mr. Cahill started to explain, and then left to get a plot plan from his car. He showed the Board where the used cars will be placed on the lot and added that C.K. Smith leases the lot from the owners and selling used cars is consistent with the lease. The area where they want to put the cars will be paved. Mr. Logan noted that the principals in the C.K. Smith Co. have all been cleared by the Police Dept. Mr. Cahill said that they do not have experience in the used car business but will get their vehicles from auctions and other dealers, their cars will be at least in the $4,000 range, and they have no intentions of repairing cars to be sold, that they will have area mechanics do the warranty work.
Mr. Logan asked if anyone present wished to **speak in favor of or oppositon to this application.** John Harrington, Chairman of the Sign Advisory Committee, asked that the Building Inspector check on signs at the establishment before the license is issued.
Kevin Gillis, owner of the property, said that selling used cars is consistent with the lease and he believes that C.K. Smith is capable of running a used car business.
John Blanchette, 77 Tyngsboro Road, spoke in opposition, noting that he also has a Class II license and has just had it increased. He doesn't want another used car dealer next door. They have a 20 foot easement across his property which was there when he purchased the property. They have had problems in the past and had a gasoline spill in 1986. C. K. Smith has leased the property since 1979 so they were running the property during the spill. Mr. Gillis said that they installed a recovery system in the rear of the property three years ago. Mr. Blanchette received judgment in Lowell Superior Court and the cleanup is under the guidance of the D.E.P. Mr. DeFreitas asked Mr. Blanchette if there are any other problems the Board should be

aware of before granting the license, and he said no. Mr. Blanchette said his license is for 10 cars, and he plans to do repairs himself and also to advertise.
Motion by Mr. Lawlor, seconded by Mr. DeFreitas, unan. to grant the license subject to the following contingencies: 1. no vehicles on any part of the property other than that which shows as bark mulch; 2. no more than 5 motor vehicles; 3. no repairs to take place; 4. bark mulch area to be paved; 5. Building Inspector to advise on signs; and 6. damaged vehicles not to be stored on the property.

A **Dog Hearing** was held on the German Shepherd Thor owned by **Daniel McLarney, 43 Drexel Drive**. Mr. Logan swore in those who were to testify. Mr. McLarney told the Board that his dog is usually on a run, but does get loose with children playing with him sometimes. He has made an appointment to have the dog neutered on Thursday and will also have a fence put up by July 15th. Thor has been going to the Higgins house on Graniteville Road when their dog is in heat, although he lives a mile away. Mr. McLarney always goes to get the dog when Mrs. Higgins calls, and he asked the Board to give him a month or two.

Paul Higgins, 135 Graniteville Road, said that the dog has been a chronic nuisance and comes to their house a lot more often than the twice a year when their dog is in heat.
Dog Officer Frank Warren went over his notes and said that there were two citations in 1991 and he hasn't seen the dog himself in 1992. The problem seems to be that someone in the McLarney household must make sure that the dog stays home.
Mr. DeFreitas asked if there is any physical danger from the dog and Mrs. Higgins said the dog has gone after their puppies and has snarled at her. Dan McLarney has been responsive but she has had enough and doesn't want a snarling dog on her property.
Mr. Blomgren asked if the dog is neutered will that help, and Mr. Warren said it should, but said they also need more communication in the McLarney home.
Mr. Blomgren proposed that: 1. Mr. Warren check the dog's restraint to make sure it is adequate to hold him; 2. check on the proposed 5' chain link fence to make sure it will confine the dog; and 3. make sure the dog is neutered. Mr. McLarney said the fence will be in a restricted area.
Mr. Lawlor said he thinks Mr. McLarney is taking this very seriously and his actions are commendable.
Motion by Mr. Blomgren to send Mr. McLarney a letter with the outline of the above conditions, seconded by Mr. DeFreitas. Vote was 3 in favor, 1 abstention.
Mrs. Higgins said that this represents reasonable effort on Mr. McLarney's part and she will accept this solution. Mr. Lawlor said he doesn't want to the requirement of the dog being neutered, but Mr. McLarney said it is already scheduled and it is OK with him.

A hearing was then held on Rex, a collie shepherd dog owned by Carl Loomis, 3 Tanglewood Drive. Mr. Logan swore in those who would testify. Mrs. Helen Dabilis, 104 Locke Road, had complained about Rex's constant barking and asked for the hearing. She had been sent a letter notifying her of the heaering but was not present.
Mr. Loomis said he has done everything he can - putting the dog in and out for various time periods. He said that on numerous occasions Mrs. Dabilis has come over and yelled at his 73 year old uncle when the dog has been in the cellar and not outside barking. Mr. Loomis also said that there are 5 other dogs in their neighborhood and how does she know it's Rex. Mr. Loomis said that his uncle lets Rex out and can't hear him barking and has been told to only let him out for 5 -10 minutes at a time. Dog Officer Frank Warren said there have been only two calls since October, 1991 and he thought the situation had resolved itself.
Mr. Loomis said he can't afford to keep taking time off to be here and wants the issue resolved tonight.
Mr. Blomgren asked Mr. Loomis if he could come up with any recommendations and he said he will not allow his uncle to put the dog out during the day. When Mr. Blomgren commented that most of the calls have been during the evening, Mr. Loomis said that Mrs. Dabilis has come screaming to his house when the dog is sleeping in the house. He admitted that the dog has broken loose a few times.
Motion by Mr. DeFreitas, seconded by Mr. Lawlor, to Table. The vote was 3 in favor, 1 opposed (Mr. Blomgren).
Mr. Logan told Mr. Loomis that he will only hear from the Board again if there are continued complaints. Mr. Blomgren asked that we document our actions - that Mr. Loomis is to keep the dog in as much as possible and have the Dog Officer check out any complaints from Mrs. Dabilis. A copy of the letter will be sent to Mrs. Dabilis and the Dog Officer.

Walter Hedlund, Town Celebrations Committee, met with the Board and discussed the 25th Annual 4th of July Celebration. He said that this is the eleventh year that the Elks have sponsored the Parade, and he went over the program with the Board.

Mr. Hedlund said that the Committee has sent application to the Department of Defense for the 50th Anniversary of World War II Community Plan which is a five year celebration plan. On July 3rd we will have the commemoration of the Veterans Park and many groups are having celebrations in the fall. Mr. Hedlund will inform the Board if the Town is accepted into this program.

Mr. Hedlund said that every second and fourth years, which are election years, the Committee asks each and every candidate for political office to march in the Parade. They are to have no signs or banners, and Bob Murray will place them in the parade.

Mr. Hedlund told the Board that the Committee has received the support from the Town Manager to get the facilities and equipment they need.
Mr. Blomgren asked who has control of the vendors and Mr. Hedlund said that they have told the vendors that pressurized string is not allowed in our Town, and Mr. Lynch said he will have recommendations from the Police Chief at the next meeting. Mr. Hedlund asked where is the Town flag and Mr. Lynch said in his safe. Mr. Hedlund said he would like to see it displayed but he knows of only one copy of the flag.

Attorney John Carragher was present with an **application for an underground storage permit at 8 Littleton Road**, the former Texaco Station. He is the executor of Ray Osborne's estate and the most valuable asset is the land at 8 Littleton Road. This was leased to Texaco for 20 years and they had anticipated extending their lease for 3 additional 5 year terms. They removed the existing tanks and anticipated putting in new tanks. They put a sign on the building For Lease or Sale and the property is being sold to Concord Oil Co. conditional on them getting permission for new tanks.
He, Fire Chief Hughes and Capt. Burke all feel that no Public Hearing is necessary but the Town Manager and Town Counsel feel that a hearing is needed for reinstatement.
Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to hold the hearing for June 29th, and Mr. Lynch asked that their engineer be present also.

Chairman Logan noted a **letter from the North Chelmsford Water Commissioners** responding to an invitation to meet with the Board. They declined the invitation and instead asked the Board to meet with them at their meeting on August 3rd. Mr. DeFreitas asked Mr. Logan to read the letter since it is a public document. Mr. Logan said we will discuss mutually convenient dates.

Mr. Logan turned the chair over to Vice Chairman DeFreitas due to a conflict of interest on the next discussion.
Attorney Dennis McHugh, representing David Cunha, Country Club Too, Inc., 67 Parkhurst Road, requested that the Board issue two **(2) special permits to serve beer and wine, on July 16 - 19 and August 13 - 16, 1992.** Since the Mass. Gen. Law states that an applicant may have only one license request pending at one time, he is withdrawing the application he submitted last Friday for a Beer and Wine Restaurant license. He also said that it is the existing facility they want licensed, not the proposed addition. He explained that these two licenses are wanted in conjunction with two billiard tournaments to be held at Country Club USA on those dates. The manager/owner David Cunha, and one bartender and one or two waitresses will be on duty at all times. Mr. Lawlor asked if his present liability policy covers the serving of alcohol and Mr. McHugh said he will get special

insurance. Only the premises that are currently licensed will be used, and the hours requested are 12 noon - 12 midnight to serve beer and wine, although the tournament starts at 10 am each day. Motion by Mr. Lawlor, seconded by Mr. DeFreitas, unan. that his requests be approved subject to the approval of Town Counsel that a non-profit status is not required under CH 138, Sec. 14 and that Mr. Cunha's liability insurance covers the serving of alcohol.

Under **Town Manager Reports**, Mr. Lynch said the Board had asked if the AIDS video was available, and he said that the School Dept. had to send back the video under copyright provisions. Dick Moser will come in on June 29th to discuss the AIDS Task Force and to ask the Board to sit in on it.

On the question of **trash tag refunds** he said we will be setting up two refund days - June 29 and 30 in the Treasurer's office.

Mr. Lynch reported that the **North Town Hall appraisal** is now under way and he will have the pricing information by June 29th.

He reported on **Hart Pond,** saying that the water level has increased by 5", and will be assessed every other day. The Board of Health is doing random testing of the water quality and he can ask them to look in specific areas of concern where we've had allegations of problems. Tony Ma is working on the State report.

Mr. Lynch reported that the **Police Department** has put on a special **Traffic and Safety Unit** to do specialized enforcement. He added that when the government seized the property at Dakota Drive, it had a value of $189,000, and the Town will get 80% of the balance of the money received when the property is sold. This money has to be used in the Police Dept.

Mr. Lynch said that the **Fire Chief** has received a letter from **Fire Pro**, a Burlington consultant company, noting Chelmsford as having a well-administered fire equipment maintenance program. The Board will send a letter of congratulations to Chief Hughes.

The Town Manager told the Board that we have received **notice of the right of first refusal to purchase three parcels of land at Thornton Lane and Proctor Road.** The land abuts the Cranberry Bog, but he does not feel we have the money to purchase these lots at $170,000 per parcel. He is recommending that the Board vote at their meeting on June 29th to not exercise their right of first refusal.

Mr. Lawlor asked about the Town's use of recycled paper and the Town Manager told him that it is not feasible for copy machine paper and he will have a report by June 29th.

Mr. Blomgren said he had visited the **Edwards Beach/Varney Playground** area and is disgusted with conditions. He noted that the sign at the entrance, basketball equipment area and the equipment house itself are in sad shape, and the beach was covered with dead fish, etc.
Mr. Lynch said the summer crew will start cleaning up and sprucing up and he will try to budget for refurbishing through Capital Planning. He added that weeds are causing a problem with the lake and we do have an underwater weedwhacker. Mr. Blomgren asked him to have a report on June 29th.
Mr. Lynch said that proceeds from the sale of the North Town Hall have to go for capital improvements and we could use some of the money at Freeman Lake.

Mr. Blomgren asked that we invite Karen Flynn and Jim McBride in on June 29th for **Certificates of Appreciation** for service to the Conservation Commission.

Mr. Blomgren asked that we contact the State DPW about missing signs "Entering Chelmsford" coming into Town from Westford and Billerica.

Mr. Blomgren reported that he had received a number of calls after the last meeting re the motion and vote on Country Club, Too. He read from "Off the Cuff" (Rick Lombardi, Chelmsford Independent), cited many other examples of licenses being granted the same night as the Public Hearing and said that any reference to him and Chairman Logan was not true. He said he felt aggravated both personally and professionally, and felt the press should show more courtesy.

Mr. Logan reported that the **Sexual Harassment Committee's** report will be discussed at the June 29th meeting and asked members to review their April 16th letter prior to the meeting.
Mr. DeFreitas asked how can the Board get the power to appoint the two permanent members and Mr. Logan said he will draft a letter to Town Counsel for an opinion.

Mr. Logan said that the **Princeton Street bridge** is high on the list for state funding and he will write a letter on behalf of the Board to encourage this. Mr. Lynch said that the Town was further down on the list and NMCOG helped to have us moved up.
Motion by Mr. Logan, seconded by Mr. Lawlor, unan. to send a letter from the Board endorsing moving Chelmsford up on the list.

He said that **repaving Littleton Road is almost completed** and asked for an update on Turnpike Road. The Town Manager said he has asked for a paving schedule from the Sewer Commission.

Mr. Logan reported that a release from the Attorney General's office has said that the **City of Lowell will close their landfill** on January 1, 1993.

Mr. Logan said that the **sidewalk survey bid** is to be awarded by the Town Manager and the DPW Director, and a site plan will be drawn up.

Mr. Logan asked to have the **Building Inspector** check the noise level in the area around Purity.

Mr. Blomgren asked that the following be included on all licenses: appropriate legislature sent to applicants; make BOS aware of any new materials added to package on Monday; checklist on all applications.
He asked to have a proclamation for Little League Week.
Chairman Logan will check the dates with George Greenman.

Under **Policies, Mr. DeFreitas** said that the Board can set policies that everyone must adhere to, and it is up to the Manager to implement the policies.
His first policy is to enable the **Town Manager to give incentives for lowering budgets.** Mr. Lynch said that this is very similar to another polciy adopted by the Board last year - compensation for department heads. Mr. Lawlor commented that incentives make sense from a managerial sense, but we can't give monetary incentives unless the Town Manager appropriates funds.
Motion by Mr. DeFreitas to strike the second sentence of his policy. Vote was 1 (R. DeF) in favor, 3 opposed.
On **Mr. DeFreitas' second policy, Pro Service Attitude**, he said that the policy was not addressed to Town Hall employees, and moved to add "all consultants, contractors and sub contractors". The Town Manager said we have tried to develop customer service and Mr. DeFreitas said if it is already being done it should be put on the books, if only to reinforce good service. Mr. Blomgren said he wants to see what the Town Manager's goals are to implement this policy, that the policy is good by itself but needs a means of implementation. Mr. Logan said he will support the policy with the understanding that the Town of Chelmsford has good public service and needs a plan of implementation.
Motion by Mr. DeFreitas, seconded by Mr. Lawlor, to approve. Vote was 3 in favor, 1 abstention (WRL).

Mr. DeFreitas said he wants the practice of **Personal Hold** to be reviewed, and Mr. Logan asked him to present a policy to the Board on June 29th.

Under appointments, **Mr. Lynch** said that Lalia Nozzolo has resigned from the Sign Advisory Committee and Jim McBride from the Conservation Commission, effective immediately.

At 11:00 pm motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to adjourn.

For the Board of Selectmen, by

Judith E. Canter

Work Session of the Board of Selectmen held Thursday, June 18, 1992 at 7:00 p.m. Members present were: William R. Logan, Richard E. DeFreitas, Peter V. Lawlor, Jeffrey A. Brem and Roger A. Blomgren. Administrative Assistant Judith E. Carter was also present.

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. at 7:05 pm to adjourn to Executive Session to discuss Collective Bargaining. Roll Call vote was as follows: Mr. DeFreitas-Aye; Mr. Lawlor-Aye; Mr. Brem-Aye; Mr. Blomgren-Aye and Mr. Logan-Aye.

The Board returned to the Work Session at 8:05 pm. Town Manager Bernard Lynch joined the meeting.

Mr. Lynch had preprared a packet of information for the Board and this material was discussed. He had included: a memo on the relationship between the Board and the TM; ideas on his job description; annual work plan for the Board; ground rules for a Board of Selectmen adopted by Loveland, Colorado; policy development for a municipal board and policy from the Town of Ipswich.

Mr. Lynch explained his goal setting process: he used materials from Eugene, Oregon, which is a model for many communities. Goals are set from needs, and we need to set up a work plan and also longer term planning. He would like to re-establish the Blueprint 2000 Committee. Mr. Brem recommended that the discussion tonight go from general to specific.

Mr. DeFreitas said he feels we have deficiencies and need: 1. to get autonomous factions pulling in the same directon, with the same goals; and 2. set up a one-stop licensing agency for anyone who comes before the Town for a license or permit.

Mr. Lynch outlined service delivery areas: public works - infrastructure; public services - human intangibles; and public safety. Mr. DeFreitas said we need a mission statement, what is the purpose of Chelmsford Town Government?

Mr. Lawlor suggested going over the Selectmen/Town Manager relationshop first and asked what is the appropriate relationship between the Board and department heads - should a Board member ever go to a Department Head directly, without going through the Town Manager. He was told No, that Board members should not try to undermine the authority of the Town Manager. Mr. Lynch said that one goal should be to better define the roles between the Board and the Manager - to develop a policy re the code of responsibility and develop job descriptions.

The Board then addressed the calendar plan drawn up by Mr. Lynch. Mr. Blomgren suggested two regular meetings per month, with a Work Session every three months. A Charter Review was suggested for August and Department Heads meeting with the Board annually. Mr. Lawlor recommended a Citizen Forum for comments, complaints and ideas and it was decided to hold this in September. The Board wants to publicize Open Session and a phone-in community input session was suggested. A Press Relese will be issued every quarter reminding the public to please use the Open Session to address any concerns. Mr. Blomgren said we can also do outreach meetings at the Senior Center or Parker School.

The subject of Classification for tax purposes was brought up and it was decided that the Board will not Vote the night of the Public Hearing but wait for two weeks.

A Forum with all Departments Heads will be planned for October/November. The Board will meet with the Town Accountant on a quarterly basis and plan to meet with Town Counsel in November and April.

Mr. DeFreitas brought up the matter of Personal Hold - either the Board uses it as a courtesy or does not. It was agreed that Personal Hold will not be used - we will move to Table a subject and it will be voted on.

Mr. Blomgren said that we have assets in Town that are not being taken care of, and noted several areas at Varney Playground and Freeman Lake - a bar is needed on the backstop, nets should be replaced, poles in the tennis courts need to be straightened, the Southwell Field Road is in bad shape and needs a grader to go over it on a regular basis, he has heard that Bob Charpentier has paid $650 from his own money to have a net put up at Southwell and Mr. Lynch will determine if this is so. Mr. Lyncch said taht we don't need a lot of money ato take care of these items but we do need manpower. Mr. Blomgren said that we are not adequately funding what we have, and shouldn't take on any more assets without planning for maintenance.

Mr. Brem suggested that we form a committee - 2 Bos members, 1 capital improvement member and others to look at the future ofd the Town. Mr. Lynch said that the Blueprint 2000 Committee will do this type of thing if we start it up again, and Mr. Brem asked to be the BOS rep.
Mr. Lynch updated the Board on the physical moves that are taking place within the building, and the Board asked to have Room 203 with a file cabinet that locks for their use.

At 10:30 pm motion by Mr., DeFreitas, seconded by Mr. Lawlor, unan. to adjourn the Work Session.

For the Board of Selectmen, by
Judith E. Cook

Regular meeting of the Board of Selectmen held June 29, 1992. Members present were: Mr. Blomgren, Mr. Brem, Mr. Lawlor, Mr. DeFreitas and Chairman Logan. Town Manager Bernard Lynch was also present.

During the Open Session Mr. Cunningham from Berkshire Drive addressed the Board regarding the Stoney Brook Fish and Game Club and the meetings with the residents in his neighborhood. He was concerned because only the abutters to the property were involved in the negotiations with the club. Mr. Lynch reported that he and the Town Manager from Westford met with the neighbors and representatives from the club and came up with a plan that was agreeable to everyone involved. Mr. Cunningham was concerned because he the thinks 5000 rounds is to much, is worried about his property value and wants to know why the Planning Board accepted this plan. Mr. Logan will address this issue with Mr. Cunningham at a future time. Selectman DeFreitas requested a copy of the written agreement between the two parties. Mr. Lynch will provide the Board with a copy.

Mr. Paul Villare, Vice Chairman of the Veteran's Memorial Committee, appeared before the open session to thank everyone involved in preparing for the new monument. He publicly thanked Sue Ellen Woodcock for the coverage the Newskweekly has given to the project. Mr. Villare reminded everyone the dedication would be July 3, at 12:30 p.m.

Chairman Logan called the meeting to order at 7:30 p.m.

Mr. Logan presented Certificates of Appreciation to Karen Flynn and James McBride for time served on the Conservation Commission. Mr. McBride told the Board it had been a great honor to serve the Town and that he will be willing to help out any time.

Bob Murray gave an update on the 4th of July activities. He reported that there would be 6 or 7 musical units, several floats, cars, clowns, etc. Selectman DeFreitas offered the Boards appreciation to Bob and the Elks for the excellent job they do each year.

Chairman Logan asked for a motion to approve the minutes of the June 15 meeting. Selectman Brem said there should be a correction on the McLarney Dog Hearing vote. Due to the fact the he was not at the meeting the vote should read 3 - 1 not 4 - 1. With this correction the motion passed unamiously.

Transfer of Class II Auto Dealer. John Cormick addressed the Board about the transfer of the Class II Auto Dealers license at 166 Middlesex Street to his name from Thomas Megdanis. Selectman Blomgren asked if there would be any physical changes in the structure of the business. Mr. Cormick said the only change would be to the sign out front. Mr. George Gagnon owner of the property was present and in agreement with the transfer. Dick DeFreitas made a motion to granted the license contingent upon the payment of taxes and that there would be no repairs or service to the motor vehicles on the property and no storage of gasoline or waste oil. Jeff seconded the motion adding the restriction of 60 4-wheel vechicles. Unanimous.

Country Club Too. Mr. Logan turned the chair over to Vice Chairman DeFreitas

due to a conflict of interest. Atty. Dennis McHugh represented the owner, David Cunha, on the application for a beer and wine license. Atty. McHugh explained that the application he was submitting tonight differs from the request of June 1 because the establishment is applying as a restaurant not a private club. Mr. McHugh said everything else about the license is the the same as presented previously in regard to the premises, etc. Mr. DeFreitas asked if any one was present to speak for or against the license. No one spoke for or against. Selectmen Lawlor made a motion to close the Public Hearing seconded by Mr. Brem. Unamious. Mr. Lawlor asked who the license would be pledged to. Mr. Cunha replied Worcestor County Institute of Savings. Mr. Lawlor asked about the control of alcohol on the premises. Atty. McHugh and Mr. Cunha explained that there will be a separate entrance for Country Club U.S.A. and Country Club II. There will be control at all times with a manager continually on duty, identification requested before entering, signs posted and different glasses used in each section for marking purposes. Bernard Lynch reported that the Criminal History report had still not come in on Mr. Cunha. Mr. Lawlor asked the Town Manager for a recommendation. Mr. Lynch said the Board should wait for the Criminal History report. Mr. Lawlor made a motion to re-open the Public Hearing of next meeting if history record is received, seconded by Mr. Brem. Unamious.

8 Littleton Road - Application for Underground Storage. Atty. Jack Carragher addressed the Board requesting a reinstatment of an existing license for Underground Storage at 8 Littleton Road. Mr. Carragher explained that the applicants are Raymond and Lionel Lincoln who will turn it over to Concord Oil. He further explained there are 3 eight thousand gallon (environmentally sound) tanks, all abutters have been notified, the Fire Department has approved the plan, D.E.P. is satisfied with the plan, all signs conform to local bylaws, and Mr. Day of the Board of Health is satisfied with the plan for the containment system. Selectmen Lawlor asked about hazardous waste on the site. Atty. Carragher said there is a small amount of hazardous waste that will be removed by a licensed hazardous waste remover. Mr. Logan opened the Public Hearing. Brian Shannon from the Chelmsford Center Citgo asked if the station would eventually become a convenience store. Atty. Carragher responded that the station would be a self service and full service gas station with snacks but would not be seeking a Common Victualers license. Selectmen DeFreitas made a motion to approve the application contingent upon the removal of the hazardous waste and a successful tranaction of the real estate to Concord Oil, with the license issued to Concord Oil. Selectman Brem second. Unamious.

Sexual Harassment - Kathy Redican, Chairman of the Sexual Harassment Committee, spoke to the Board about the changes in the committee report previous given to the board. She stated that the Personnel Board had recommendations she has incorporated in the report and welcomed comments from the Board. Selectmen DeFreitas asked Kathy if she had suggestions for the two people to serve on the Committee as called for in the report. Kathy will look into it. Mr. Brem submitted some suggestions for the committee to review. Mr. Lynch said that the Personnel Board is meeting on July 10th and will review the report at that time.

Supt. Richard Moser appeared before the Board to provide an update on the Aids Task Force. Mr. Moser reported that the committee consists of students, parents, school personnel, clergymen and physcians. The committee will deal

with policy, curriculum and education so they can get a handle on all risk related to Aids including suicide. He said there is some urgency to the issue due to increasing exposure. The committee will provide a needs assessment to the School Committee. Selectman DeFreitas asked how the Board can help. Mr. Moser said they can attend meetings and schedule a time in October so he can come back to the Board to address any needs the committe may have at that time.

Supt. Moser also reported that he wanted to bring to the Board's attention the Mass. Emergency Planning Committee's plans for evacuating Seabrook and how it effects Chelmsford. Mr. Moser said the plan calls for 17 area town to participate and cooperate in the event of an emergency. He stated that he is working with Walter Hedlund of our Civil Defense and open hearings will be held in July and August if the Board would like to attend.

Work Session - Selectmen Logan reported that the work session was very successful. The Board made long range plans and set goals. He said there have been 4 new members in 1 1/2 years. He said the town changed since the Charter and the Board will make changes also. Selectmen DeFreitas said the work session was very positive and productive and they are trying to pull all Boards together. Selectman Brem reported the success of the work session and wanted to encourage people to attend the Open Session before the regular Board of Selectman meeting and to use the Selectline. He reported about the Citizens Forum that will be held in the fall at the Senior Center.

Town Manager Reports

Update Varney Playground - Mr. Lynch said they are gearing up for the summer by raking the beach, adding sand, repairing the back stop and preparing the playground. Selectman Blomgren said he is pleased with the work that has been done but added the restrooms still need work. Mr. Lynch reported that the D.P. W. and Recreation Commission will work together to make an assessment of the playing fields.

The Town Manager reported that both Baptist Pond and Freeman Lake are safe for swimming and that they would be tested on a weekly basis in July and August. Mr. Lynch stated that the weeds are a major problem at Freeman Lake. The Board of Health and D.P.W. are working on this problem and may bring in the Conservation Commission to help out. He also reported that there have been no reports from Baptist Pond regarding the level of the water.

North Town Hall - Mr. Lynch said he would like to go forward with the bid process as previously discussed by the board with a minimum amount placed at $75,000. Jeff would like to have incorporated in the bid a pre-bid conference for the bidders so they may view the building at the same time. Mr. Lawlor made the motion to sell the property at $75,000., seconded by Mr. Brem. The vote was 4 - 1, Mr. DeFreitas against as he would like to see the minimum bid at a higher price.

Middlesex Sales - The Town Manager reported that all but 1 trailer truck has been removed. He will continue to follow-up.

Route 3 Expansion - Mr. Lynch reported that he attended a meeting on Route 3 Update Expansion with some on the Board members. He said the work would not

be complete until the year 2000.

Recycled Paper - Selectman Lawlor asked the Town Manager about the follow-up on his request for the percentage of recycled paper used in town. Mr. Lynch reported that only 10% of the paper purchased is recycled due to the fact the pricing is so much higher. Mr. Lawlor requested that the Town Manager keep a "sharp eye" on recycled products so the town can purchase them when it is financially feasible.

Princeton Street Bridge - Mr. Lynch reported that he spoke to Rep. Cleven about the status of the bridge and she said the project would go out to design in 1993. The town will continue to maintain the bridge until the project is complete.

Annual Appointments - Town Manager Lynch read all the appointments for the various committees. Mr. DeFreitas made a motion to approve the appointments, seconded by Mr. Lawlor, unamious.

Selectman Blomgren made a motion to send a letter of congratulation and thanks to Steve Cooper, News Director of Channel 6, as he is moving to a Manchester station. Mr. Blomgren also asked that Chief McKeon be asked to the next BOS meeting so that he can interpret the recent newspaper articles on increased crime in town.

Selectmen Logan presented an application from Sandra Hone for a Roadside Vendors License to sell hot dogs on the Common from May 30 to October 15, 1992. Mr. Brem asked if this was the same person selling the hot dogs last year. Mr. Lynch said it was and recommended the Board approve the application. Mr. DeFreitas moved to grant the application, second Mr. Lawlor. Unamious.

Thornton Lane - Mr. Lynch said these parcels are for sale and the town has the right of first refusal. Mr. Lynch recommended the Board waive the right of first refusal as there is no identified need, the property has no frontage and only has value to the abutters. Mr. DeFreitas made a motion to waive the right of first refusal, second Mr. Lawlor, 4 for 1 abstention. (Selectman Brem)

Annual Work Plan - Mr. Lynch reported that he is revising the work plan, as discussed by the Board. The plan will serve as a guide to the Board and future boards. The plan will include, reviews for fiscal forecasts, review of Town Meeting articles, tax classification hearings, meetings with Department Heads and Capital Planning with goal setting in mind. The plan will also include review of licenses, MMA legislation, manager evaluation and annual appointments. Mr. DeFreitas made a motion to accept the plan in principal. Unamious.

Mission Statement - Mr. Lynch provided the Board with a Mission Statement that provides understanding to the Board as well as the public what the Board wants to attain.

Lowell Sportsman Club - Mr. Lynch said the club requests permission for a waiver to extend their regular hours for shooting events on July 12. Selectman Brem made a motion to grant the extension, Mr. Lawlor second. Unamious.

Code of Responsibility Mr. Lynch provided the Board with a Code of Responsibility report. Mr. Brem presented a draft policy for the Boards consideration. Chairman Logan said the Board will review these policies and discuss them at the next meeting.

Contract Awards - Town Manager Bernie Lynch reported that Lawrence General was the low bidder for Occupational Health Services therefore he would be awarding them the bid for $40.00 per hour effective 7/1/92. Selectman DeFreitas made a motion to award the bid, seconded by Selectman Lawlor, unamious.
Land Tech Consultants, Inc. was the low bidder at $26,180. for sidewalk improvements. Mr. DeFreitas made a motion to accept, second by Selectman Lawlor, 4 in favor, 1 abstention (J.Brem).
Resuscitators - Mr. Lynch reported the low bidder was Matrix at $11,800.44. Mr. DeFreitas moved to accept, second Mr. Lawlor, unamious.
Highway Materials - Town Manager Lynch read the list of low bidder for highway materials. Mr. DeFreitas moved to accept the manager's recommendations, Mr. Lawlor second, 4 in favor 1, absention (Mr. Logan).
Insurance - Mr. Lynch asked the Boards approval to award the General Liability Package to Deland, Gibson, Inc. for $125,000. Selectman DeFreitas made a motion accept the recommendation of the Town Manager, Mr. Lawlor second, unamious.

New Business - Chairman Logan said the Blueprint 2000 committee would be reinstituted. They will look towards the future and where the town should be in the year 2000.

At 10:25 p.m. motion by Mr. DeFreitas, seconded by Mr. Brem, unamious to adjourn.

For the Board of Selectmen, by

Marian D. Lurie

Regular meeting of the Board of Selectmen held Monday, July 20, 1992. Members present were: William R. Logan, Richard E. DeFreitas, Peter V. Lawlor, Jeffrey A. Brem and Roger A. Blomgren. Town Manager Bernard Lynch was away on vacation.

During the Open Session Jeffrey Stallard, member of the Veterans' Memorial Park Committee, was present and thanked the Board and Town Manager for participating in the dedication ceremony. They are working to add to the names on the walls and will do two more walls, with 120 names each. There is a $60.00 engraving fee, and residents wishing to have names of their families engraved should contact Jeff or Mike Kinney.

Mr. Lawlor asked about arrangements for maintaining the park and Jeff said it is understood that the Committee will do this. Mr. Lawlor asked if they need help from Adopt-A-Park or the DPW, and Jeff said that they have a volunteer to cut the grass, and the landscapers will maintain the flowers they have planted. The Committee feels the park should be self-sustaining.

At 7:10 p.m. Mr. Logan adjourned the meeting to 7:25 p.m.

The Chairman called the meeting to order at 7:25 p.m., noting that all members were present and the Town Manager was on vacation.

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to approve the minutes of the Work and Executive Sessions of June 18, 1992.

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to approve the minutes of June 29, 1992.

Motion by Mr. Lawlor, seconded by Mr. Brem, to approve the minutes of the Executive Session of July 13, 1992. Vote was 4 in favor, 1 abstention (Mr. DeFreitas because he was not present.

John Tucker of the Chelmsford Ldoge of Elks was present to request the Board to approve the Elks running a "Super Bingo" game 4 or 5 times a year. Mr. Tucker said that due to the economy the sale of raffle tickets for the 4th of July Parade is down and the Elks want to run a second Bingo game. Only a few towns have been approved by the State to do this, and they will run 4 or 5 games a year, probably on Sundays. Proceeds will cover the cost of the parade and scholarships. Super Bingo can pay off larger amounts and the Police Dept. will provde police detail. The Elks have been running Bingo games in Town for at least 27 years.
Mr. DeFreitas, stating that he is a member of the Elks, moved to approve the license, seconded by Mr. Lawlor. Vote was 4 in favor, 1 abstention (Mr. Blomgren is a member of the Elks and abstaining). Mr. Logan said he is also an Elk and supports this request.

Mr. Tucker told the Board that Fitchburg and Weymouth have Super Bingos and it does not appear to cut attendance at regular games. Their first game is scheduled for August 30th, and there is no competition on Sunday nights.

Under **contract award approvals**, Mr. Logan read the bids for the **traffic signal at Hunt and Littleton Roads**, noting that Comiskey Electric, low bidder, is recommended by DPW Director Jim Pearson. As Chairman of the Traffic and Safety Committee Mr. Logan said that these will be fully controlled lights, and that this intersection has been the site of many accidents and the light is badly needed. The Town funded the cost of the signal at Town Meeting four years ago and it should be operational by October or November.
Motion by Mr. DeFreitas, seconded by Mr. Lawlor, to approve the awarding of the bid to the low bidder Comiskey Electric, as recommended by Mr. Pearson.

At 7:35 pm a **Public Hearing** was held on the **application of Angela Sella for a Common Victualer license to be exercised on the premises at 61 Central Square.** All taxes are paid and the property is zoned CD, which allows for takeout but no fast foods. Ms. Sella said she wants to sell **home-made pasta and sandwiches for takeout.** There will be no tables. She has had restaurants in France and Brazil, but not in this country.
When Chairman Logan asked, George Kalos spoke in favor of this license and no one present spoke in opposition.
Motion by Mr. DeFreitas, seconded by Mr. Lawlor, to grant a Common Victualer license to Angela Sella, 61 Central Square. Mr. Blomgren questioned the zoning and definition of fast food. Vote on the motion was 5 in favor, 0 opposed.

The Board then met with **representatives of Frequency Sources,** Maple Road. **Attorney Greg Haladena**, from Geary and Haladena, introduced **David Sweet, Vice President of Health and Safety Operations for Frequency Sources.**
Mr. Sweet told the Board that they have proceeded more slowly than they had hoped since the site is in the 21E process due to a petition from Chelmsford resident. This process comes under a different state agency than the one they had originally been dealing with.
Mr. Sweet said that they want to go back to the Byam School site and take more samples. The leachate containing TCE is not moving towards the school but on to the Bartelson property. He said that they want to put in a line of recovery wells across the front of Frequency Sources and a line of wells on the Bartelson property. They want to pump the higher levels first but need to pump the lower levels on the Bartelson property. They are putting in a treatment system but need permits from the State. They believe that the chemical won't go up hill and the school wells have showed nothing but they still want to test.

Mr. Lawlor asked where did we leave off last time with Frequency Sources, and Mr. Logan asked if there was an agreed upon course of action.

Mr. Sweet told the Board that when they were last here they were beginning to search off site and now have the contamination delineated. They no longer use this chemical and are not contributing to more pollution. The breakdown of the chemical depends on conditions and they want to treat it rather than let it go naturally. They are going through a waiver process with the DEP and don't have the approved mitigation process yet. They don't want to stand in the way of treatment and have no more industrial waste water. They have sampled the abutting properties in all directions. Mr. Sweet re-stated that Frequency Sources wants to get this cleanup done and funding is not a factor.
Mr. Brem asked how much TCE was spilled at the site, and Mr. Sweet said none, that it was a a product of the rinsing materials. When asked, he said that the TCE lays on top of the bedrock at between 30-40 feet and 60-80 feet. It is closer to the surface on the Bartelson property. He added that the soil is pretty sandy in this area which makes it worse for the migration of the contaminated material, which is 1 - 2 feet a year.
Mr. Brem asked why the cleanup has taken so long and Mr. Sweet told him that the concerns of the residents have slowed things up with the State. The Board could express to the state that we want the cleanup completed asap, that it is a matter of some importance.
It was agreed that Frequency Sources would have samples taken from the wells prior to August 17, and will have a conceptual plan of the cleanup by that date, when they will again appear before the Board.
Motion by Mr. Brem, seconded by Mr. Lawlor, unan. to draft a letter to the State for members review at the August 17th meeting indicating that the Board would appreciate prompt action by the appropriate state agencies to get the treatment plant up and running and ask for a report from the Board of Health at the August 17th meeting.

Under **Other Business** the Board voted on the **Beer and Wine license for Country Club Too.** Chairman Logan stepped down and left the Room due to a possible conflict of interest. Attorney Dennis McHugh said they also want to apply for 12 more pool tables to be licensed. Owner David Cunha told the Board about the successful tournament they held last weekend and said the room is closed now until the next special tournament in August.
Motion by Mr. Brem to grant the Beer and Wine license contingent upon a favorable report from the CHSB and that Mr. Cunha come before the Board in December to give an update on the operations. and also to approve the Common Victualer's license and the license for the 12 additional tables.

No one present spoke in favor of or opposition to these license applications, and Mr. DeFreitas moved to close the public hearing, seconded by Mr. Brem. Vote was 3 in favor, 1 opposed (Mr. Lawlor). Mr. Lawlor said that he is not in favor of closing the hearing becasue he won't vote tonight because we don't have the CHSB report and it would leave it up to the Town Manager to decide whether or not the report is favorable. His idea of discussing it in a regular session is that the Board can look at the report publicly and the public can comment on it.
Mr. Brem said it is not the intent of the Board to keep on delaying this vote and Mr. Blomgren said he thinks the Baord should go forward and vote it contingent upon the CHSB report being favorable.
Motion by Mr. Brem. seconded by Mr. Lawlor for discussion, to **grant approval of the Beer and Wine license, Common Victualer license and license for 12 additonal pool tables** contingent upon the applicant coming in in December to review the license and contingent upon receiving a favorable report form the CHSB in the judgment of the Town Manager; each Board member to sign off on the CHSB report or waive the right by August 19th.
Vote was 3 in favor, 1 opposed (Mr. Lawlor).

Mr. Brem left the meeting due to another commitment.

Under **Board Member Reports, Mr. DeFreitas** stated that he has received many phone calls in the last couple of weeks all regarding the beaver problem, and the Chelmsford Water District has notified the Board that the beavers are causing problems with the water supply. He thinks we need to meet with other Boards on this problem.

Mr. Lawlor reminded members that they are meeting with the North Chelmsford Water Commissioners on August 3rd, that the meeting will be held at the Senior Center and televised, and he asked residents to attend their Water District meetings.

Under **Policies previously submitted, the policy on the role of the BOS and Town Manager** will be tabled until the August 17th meeting at the request of Selectman Brem and Town Manager Lynch.

Under **Appointments**, Mr. Logan read the list as presented by the Town Manager. Motion by Mr. DeFreitas, seconded by Mr. Lawlor, to support the appointments made by the Town Manager. Vote was 4 in favor.

Under **New Business, Mr. Blomgren** said that the Water Department wants us to check with the appropriate state agency as to what options are available re the beaver problem.
Motion by Mr. Blomgren, seconded by Mr. Lawlor, to send a copy of the letter received from the Center Water District to the North and East Districts asking if they have the same problems and to

ask the Board of Health and Conservation Commission if they have any suggestions for a Town Meeting By-law. Vote was 4 in favor. Mr. Lawlor added that we want to see the districts work together and Mr. DeFreitas said that when the by-law against trapping was passed beavers weren't the problem that they are now.

Mr. Blomgren said that this is the first meeting that we have had since the 3rd of July dedication of the Veterans' Memorial Park and he has the greatest admiration for the persons who put this together. He wants to send one more note to Mike Kinney and the Committee thanking them from the Town and stating our gratitude. Chairman Logan said he will draft this letter.

At 9:05 pm motion by Mr. DeFreitas, seconded by Mr. Lawlor, to adjourn. Vote was 4 in favor.

For the Board of Selectmen, by

Judith E. Canta

Regular meeting of the Board of Selectmen held Monday, August 17, 1992. Members present were: William R. Logan, Richard E. DeFreitas, Peter V. Lawlor, Jeffrey A. Brem and Roger A. Blomgren. Town Manager Bernard Lynch was also present.

During the Open Session Rene LaRouche, 20 Dunshire Drive, addressed the Board stating his concerns about the way he was treated at the last Conservation Commission meeting. He told the Board that the Chairman David McLachlan would not let him discuss the subject of beavers, and said he was stating the number of cases of giardia in Town when the Chairman stopped him and told him to leave if he tried to speak again. He continued to speak and was told to leave the room. He felt that he was treated very discourteously.
Mr. Logan said that the Board tries not to talk about anyone. Mr. DeFreitas said there is no reason for any resident to be mistreated by any member on any board and reminded the Board of their Pro Service policy. Board members encouraged Mr. LaRouche to attend the next Conservation meeting on Wednesday. Mr. Logan said he will ask the Town Manager to look into the situation.

Tom Moran, 19 Dennison Road, spoke to the Board and asked them to look into formulating a long-range plan for ambulance service, and to look at the best service provider and the metrics and service being provided by out of town services. He feels we need to close the gap on service. He asked to have a committee formed to see if the present provider is the best, and mentioned that the 1987/88 Committee is still around. He suggested that the new Committee be made up of persons of an EMT type, police and fire employees, Finance Committee background, and a public service management type person. Mr. DeFreitas commented that the proposal has some merit, and Mr. Lawlor asked why are we looking into this, what are the problems with our present service. Mr. Moran said that having the service out of town is a problem, and also the recent merger of the ambulance services. We need to develop a set of metrics to determine the measure of service providers. Mr. Blomgren asked if he found any numbers to indicate that there is a fault with past practice and added that we need to establish a best in class provider.
Mr. Lynch told the Board that Frontline and Care have merged and he met with them today to discuss the transition as a result of the merger. He said that he has been interested in locating an ambulance in Town and that as of September 1 there will be an ambulance stationed in Town during the day at the West Fire Station, with a backup from the Lowell headquarters. This will be on a four month trial service until the end of December. The service we have now is good but locating a private service in Town is better. He has decided that a public ambulance is not the way to go.

Chairman Logan called the meeting to order at 7:30 p.m.

Motion by Mr. DeFreitas, seconded by Mr. Brem, to approve the minutes of the July 20th meeting, with Mr. Blomgren asking that a couple of minor errors be corrected. Vote was unan. to approve the minutes with corrections.

John Harrington, package store owner at 10 Summer Street, addressed the Board on the subject of the advertising and selling of non-alcoholic beer. He said that the issue has come to the attention of package store owners statewide. They are concerned with non-alcoholic beers being sold in supermarkets and convenience stores where they will be tapping into a new market - our kids.
Mr. Harrington said he is asking the Board as the licensing authority to do what the City of Quincy has done - not allow this non-alcoholic beer to be sold to anyone under 21 and to limit where it is sold. They are not as concerned about restaurants and lounges as they check for ID's, and there is not enough alcohol, under .5%, in this product to have it come under the ABCC. He added that the beer companies are going after Coke and Pepsi by trying to get young people to acquire a taste for beer.
Mr. Lawlor said he feels there could be legal problems in trying to control the sales of this product - that if licensed package stores are licensed to sell alcoholic beverages, and this product is not alcoholic then it is not under the control of the licensing authority. The Board discussed various means of trying to control the sale of the non-alcoholic beer, and Mr. Lynch said it is his concern that if we tell supermarkets and convenience stores to take something off their shelves it could be considered restricting free trade and he asked the Board to let him work with Town Counsel on this matter. Mr. Blomgren asked if we could have an article for the October Town Meeting and Mr. Lynch said he will have something by the September 8th meeting. It was noted that Quincy took action as the legislative body, not the licensing authority of the City.
Motion by Mr. DeFreitas, seconded by Mr. Brem, unan. to instruct the Town Manager to work with Town Counsel to find a way to control the sale of this product. Mr. Logan said the essence of the matter is that we don't encourage minors to acquire a taste for beer.

At 8:00 pm the Board met with Frequency Sources, represented by Attorney James Geary and David Sweet, Frequency Sources VP,. Mr. Geary handed out packages to the Board containing background information on the contamination matter and said he has put together a chronology from Jan. 1991 to the present. He said the primary jurisdiction is with the Board of Health and the Department of Environmental Protection(DEP). There is some migration of the TCE substance on Maple Road but no detection of contamination. A letter dated October 10, 1991 from DEP to Don

Berard showed a change in the case at the State level from the Water Pollution Control Section into the 21E Division. They have said it is a low priority and have told FS to request a waiver since the company considers it a high priority. He said the Board should consider maybe designating a technical liaison for this problem.
Mr. Sweet brought the Board up to date, stating that the DEP feels a waiver could be processed within 30 - 60 days. A system will be installed as a temporary measure but probably not until spring; FS will put in the system the minute they get the waiver. He explained the information in the packages that had been given to the Board, and showed a map with the monitoring wells, mostly on the school and Bartelson properties. The prupose of the wells is to put a boundary around the process. Mr. Logan said he has written a letter to the DEP for the Board's review and is appointing Selectman Brem as the Board's liaison. He asked Mr. Sweet what can we do to help and Mr. Sweet said they have to deal with the disposal of water from the system - it will either be put back into the ground or a surface water body; either way they will have to go before the Conservation Commission. There will be sampling either way.
Mr. Logan said he is asking **both Mr. Brem and Mr. Lynch to serve as liaisons with FS** to try to get the treatment facility in. Mr. Lynch commented that the Board of Health and Director Richard Day are pleased with what they're doing so far. Mr. Blomgren asked Mr. Brem to have a risk assessment performed and asked if the pump and treat system is a proven technology and Mr. Sweet said Yes, as much as any.

Martha Siegal was present from St. Vartanantz Cultural Pavillion requesting a 1-day All Alcoholic license for Saturday for the wedding reception of a parishoner whose plans had changed at the last minute. Mr. Logan turned the Chair over to Mr. DeFreitas due to a possible conflict of interest. Mr. Brem said that this would be their 9th license in 12 months and BOS policy is not more than 5 in any 12 month period. Mr. Lynch stated that there is a concern that organizations could work around the zoning and liquor laws by utilizing 1-day licenses and it has been a concern in the past with neighborhoods that churches not be used as function halls. The Board noted that we provide licenses to churches for their own functions, and Mr. Blomgren asked if the church is still in litigation with the Board of Appeals. Mr. Lynch said it is still pending and Mr. Blomgren said that in November, 1991 the Board of Appeals requested that we grant no more 1-day licenses to St. Vartanantz.
Ms. Siegel said that the church has a presentation to make on Sept. 8. Motion by Mr. Lawlor, seconded by Mr. DeFreitas, to grant them the requested license on Aug. 22nd from 2 - 7 pm. The Board discussed the pros and cons of making policies and not following them and granting 1-day licenses in emergencies. Vote on granting the license was 3 in favor, 1 opposed (Mr. Brem, Mr. Logan not voting). Mr. Blomgren asked the Town Manager to get the latest information from the Board of Appeals and have Town Counsel present at the next meeting. Mr. Logan resumed the chairmanship.

Burger King had applied for an Automatic Amusement Device license but was not present. Mr. Blomgren said that they should be aware of our regulations and be prepared to state how they would handle youths under 17 during school hours, etc.

Town Accountant Bernard Meyler was present to update the Board on his department. He stated that FY91 was a fiasco, since they had 3 different accountants during that year. Debits and credits finally equalled and they have eliminated the problems with the computer and the company Information Opportunities. They are now looking into other systems. He feels the department is now moving in the right direction, they have caught up on their projects and are no longer just maintaining but looking for improvements and are right up to date. The Town Manager commented that the FY92 closeout seems to be in order, and certainly different from last year.
Mr. Meyler said that they are in an analysis mode, and doing more detailed reports on departments so they can't overspend. Mr. Lynch said his information has been useful, and that revenues are not as much as had been anticipated. Mr. Lynch said that in FY93 we will have a balanced budget, and he sees no need for budget cuts, although there is no surplus cash for new services.
Finance Director Fred Mansfield told the Board that we are trying to eliminate a lot of duplication and manual efforts, especially with accounts receivable, and we hope to get payroll and tax collections done in house. Mr. Meyler said that we want to get the new computer system operating by the end of the calendar year and have drops in key offices to tie into the network. Mr. Lynch told the Board that the DP Coordinator position will be filled in September and the whole computerization process should be completed in 2 or 3 years.

They then went over the FY91 Management Letter, which had been put together by independent auditors, which is standard practice. Mr. Lynch said that the letter, which is used as a management tool, shows areas of weakness. The Board will read the letter at home and then ask questions. Mr. Lynch added that we went through a transition at the end of the year and now everyone is pleased with the teamwork approach.
Motion by Mr. Blomgren, seconded by Mr. Brem, unan., to bring Brown & Barrett to a Work Session with the Town Accountant and Finance Director and also the Supt. of Schools and the School Business Manager.

Police Chief Raymond McKeon was present to give the Board an analysis of the statistics on crime reports that has been reported in the papers. Chief McKeon said that the term crime rate is a misnomer, that there is no crime rate per se, but a uniform crime report comparison, comparing the 1990 statistics with those from 1991. He added that the police have no real impact over the crime rate, that it is based on the total number

proceed with long term beaver control measures.

Mr. Blomgren reported that Tom Moran has asked for the formation of an Ambulance Study Committee and moved to ask the Town Manager to work towards the formation of that committee, to include Walter Hedlund, a FinCom member, reps from Police, Fire, citizens and a Project Manager. Motion seconded by Mr. DeFreitas, unan. Mr. Blomgren noted that we have received a petition for streetlights on Shedd Lane, and Mr. Lynch said that many streetlight requests have been put on the back burner for a while, but we are now going to buy, not lease, our lights. We will be converting a number of older lights, as well as all new lights, to this plan within 6 months.
Mr. Blomgren asked about the use of HUD money for the restoration of Varney Playground, could we use some to do the restrooms. Mr. Lynch told him that DPW Director Pearson is getting prices to restore the restrooms and it will be done before next June.
Mr. Blomgren asked to have the Boy Scouts in to discuss the conditions at the East School and Mr. Lynch said he will have the Building Inspector look at it.
Mr. Blomgren asked that Mr. Lynch ask for annual reports from the Chairmen of appointed committees as to what they have done over the past year and what their goals are.

Mr. Logan reported that the Finance Committee Chairman has asked the Board and the School Committee to meet with them on September 2nd, along with the Town Manager and Supt. of Schools.

Mr. Logan said that September 18 is National POW Day and he will draft a Proclamation for the Board to sign.

Mr. Logan reported that the Board has met with the North and Center Water Districts and although we have no jurisdiction over them we are trying to find out their policies and procedures and will meet with them on a yearly basis. The Board will meet with the East District on September 15th and report back on any consolidation plans after that time.

The Chairman said that the Board welcomes Sun Microsystems and Waltham Technologies, both recently moved into Town and occupying vacant space.

Under Policies Previously Submitted motion by Mr. Brem, seconded by Mr. DeFreitas, unan. to adopt the Role of the BOS and the Town Manager policy, in 4 parts.

Chairman Logan made the following Appointments: Northern Middlesex Council of Governments(NMCOG) - William R. Logan, BOS, Bernard F. Lynch, BOS Alternate; Middlesex County Selectmen's Association - Jeffrey A. Brem; Lowell Regional Transit Authority(LRTA) - Roger A. Blomgren; Chelmsford Alcohol and Drug

of crimes reported to the police, on the seven major crimes. He said that the Chelmsford rate increased by 5.3% in 1991, which is better than most comparable communities. The violence rate increased by 35.8%, which is mostly domestic violence, violations of restraining orders, etc. and most assaults are basically drug related problems.
The department has very little control over the crimes reported but has control over how they respond. The Town's crime clearance rates are very good and the Chief feels that crime is pretty well under control, although there is some increase in robberies - pocketbook snatchings and household invasions.
The Chief said that this is a pivotal year, financially, that we are starting to increase personnel and with a higher staff level the better our clearing rates should be. He added that we definitely need a new station, that E-911 is the best public safety bill ever enacted, since it will cover the whole Town, and our policy on high speed chases is very tight and closely monitored.

Under Town Manager Reports Mr. Lynch said that the **Police Chief** has received a $10,000 grant for the Town to address speeding, pedestrian crossings and child restraint belts.
He told the Board that re **Town line signs**, we had ordered Mass. DPW signs to be placed asap two years ago. He further reported that the State has approved **signs on Rte. 495** for hotels and restaurants and they are very expensive.
Motion by Mr. Blomgren, seconded by Mr. Brem, unan. to ask the Town Manager to draft a letter to the Governor saying that the State is not improving the economy by charging a monthly rent for these highway signs as well as a high installation cost, with copies to our state rep. and senator and the Secretary of Economic Affairs.

Mr. Lynch told the Board that on August 25th at 7:30 pm the School Department is meeting with the **Emergency Management Agency** and the Board is invited.

Under **Board Member** Reports, **Mr. DeFreitas** said he commends Mr. Logan and the EDP for getting Waltham Technologies and Sun Micro Systems to locate in Chelmsford. He added that ESP will hold a series of televised seminars on Cable 43 in September on starting up a small business.

Mr. Brem reported that we have received a letter from the Hart Pond Improvement Association and asked Mr. Lynch for a report on that situation at the Sept. 8th meeting. He added that the Board appreciates the calls fronm residents that have been coming in on the **Selectline**.
Mr. Brem noted that the Conservation **Commission** is meeting on August 19th on the beaver issue, and Mr. Lynch said that he has met with the Board of Health this evening to discuss the water quality issue and they don't think it's reached emergency proportions yet. He has asked the Conservation Commission to

Awareness Committee(CADAC) - Peter V. Lawlor; Economic Development Partnership(EDP) - Richard E. DeFreitas.
Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to re-affirm these appointments. The Town Manager will work up a new compensation package to be presented at the Sept. 8 meeting for Town Counsel James Harrington, in the second year of a 3-year contract.

Under New Business, Mr. DeFreitas said that a citizen has come in stating that the Chairman of the Conservation Commission was rude and wouldn't listen to him.
Motion by Mr. DeFreitas, seconded by Mr. Brem, unan. to have the Town Manager send a memo to the Chairman of all Boards, Commissions and Departments asking them to please follow the Board's policy on Pro Service Attitude and to make sure that all their members/employees are aware of the policy.

Mr. Blomgren submitted an article for the October, 1992 Annual Town Meeting, to amend Art. 16 to make it more positive.

Under Other Business on September 8 there will be a vote on warrant articles.
The Town Manager was asked to look into the Masonic Temple petition to purchase the North Town Hall for $1.00. Mr. Lynch said that under Chapter 30B, we have to go out to bid to sell a public building and can only lease a public building for 3 years.

At 10:55 p.m. motion by Mr. DeFreitas, seconded by Mr. Brem, unan. to adjourn.

For the Board of Selectmen, by

Isabel E. Carter

Regular meeting of the Board of Selectmen held Tuesday, September 8, 1992. Members present were: William R. Logan, Richard E. DeFreitas, Peter V. Lawlor, Jeffrey A. Brem and Roger A. Blomgren. Town Manager Bernard Lynch was also present.

During the Open Session Eric Hanson, 3 Boardwalk and President of D. J. Reardon Company addressed the Board, saying he had read in the press that the Board was considering putting a ban on the sale of non-malt beverages. Mr. Logan told him that we have requested Town Counsel's opinion, which he will give later tonight. Mr. Hanson said he wonders how the BOS could control the sale when the ABCC nd New Hampshire State Liquor Commission have no contol over the sale. He added that no wholesalers have addressed the issue yet but he doesn't see how the City of Quincy has prohibited it. Mr. Logan then read the opinion from Attorney Harrington, which stated that the Town has the right to regulate beverages with less than .5% alcohol, which is not controlled by Chapter 138 or the ABCC. He said that the Board cannot act on this in Open Session. Mr. Lawlor summed up what John Harrington had said at the last meeting, that they are trying to discourage youths from drinking this near beer, to not encourage them to develop a taste for the real thing. Mr. Hanson commented that he knows that CHS students want the real thing, that is the affect of beer, not the taste that they are looking for and they know where to find it in other Towns and New Hampshire.

Mary Burns, 90 Livingston Avenue, Lowell was present on behalf of her father Bill Burns who runs the Banqueteer in Chelmsford. He is opposed to the Board granting any more one-day liquor licenses to St. Vartanantz Church, feeling it will start a precedent and will drive private function halls out of Town. Allowing 5 or 6 a year or occasionlly is not a problem, and if limited to non-profit organizations, but not on a regular basis. Mr. Logan asked if they had lost business to St. Vartanantz and she said Yes, at least two groups from Town.

Gail Poulten, 16 Berkeley Drive, said that on behalf of her husband Sam she is inviting Board members to the Greater Lowell Democratic mini convention on Saturday, from 11 - 3 at NVTHS.

Chairman Logan called the meeting to order at 7:30 pm.

Cathy Frazer, Right of Way Manager for New England Telephone Company was present petitioning for 58 feet of conduit at 2 Elizabeth Drive. She told the Board that Sun MicroSystems has received permission for the conduit and NET wishes to place their wires. No one present spoke in favor of or opposition to this petition.
Motion by Mr. Lawlor, seconded by Mr. Brem, unan. to approve the petition.

Mr. DeFreitas asked if she is aware of the 5 phone poles in East Chelmsford that are in the middle of roadways, and asked if the telephone company has been notified. Mr. Lynch said they are working on the problem. Ms. Frazer said she will check with the engineer and report back to Mr. Lynch by September 21st.

A Public Hearing was scheduled for **John Bowles, Jake's Auto Body, 1 Oak Street, for a Class II Auto Dealer's license.** Mr. Bowles was present and asked the Board for an extension, he didn't get the notices sent out by Certified Mail. The Board agreed, noting that the **extension is being granted at the request of the applicant** and that the time frame starts when he re-applies.

A Public Hearing was held on the application of Angeliki Kolgerakos, EVZON, Inc., 83 Parkhurst Road, for a Common Victualer Wine and Malt Beverages license. Mr. Logan turned the chair over to Vice Chairman DeFreitas due to his potential conflict of interest as General Manager of the Courthouse. Ms. Kalogerakos presented the return receipts of notice to the abutters and told the Board of her background, inluding many culinary classes and obtaining citizenship in 1974.
She said that EVZON is a family-run restaurant and that she, her husband and daughter all work there. They are open 7 days a week from 11 am - 10 pm, have been in operation for 4 months and are very busy. They have 50 seats and also do a take-out business, and would like to serve wine and beer to complement their meals. They will serve only to customers purchasing meals and will have a sign stating so. Ms. Kalogerakos said she has demonstrated her ability to run a restaurant family style, will have a hostess to serve the alcohol, and stated that several of her staff people have experience in serving alcohol.
Mr. DeFreitas asked for anyone who wished to **speak in favor of the application. Beth and Marshall Arkin, 24 Sierra Drive, John Duggan, 2 Courthouse Lane, John and Lois Socarellis, Kneeland Drive, Westford, and George Kalos, 13 Green Valley Drive** all spoke in favor, stating that it is a fine Greek restaurant and that wine and beer would complement the food. **No one spoke in opposition.**
Mr. DeFreitas then closed the Public Hearing.
Mr. Lawlor asked Ms. Kalogerakos if she would stay with the hours requested on the application, display the sign she showed the Board, and take a TIPS class, if requested. She told Mr. Brem that she is bringing in the letter from the owner of the premises stating that he knows she is applying for this license. Mr. Blomgren suggested placing a mirror for the manager to view the entire seating area to see who is consuming the beverages. Mr. DeFreitas told her that he is very impressed with the number of persons speaking in her favor, and that the Board will vote on her application at the next meeting.

Attorney James Geary was present to explain to the Board the proposed Glen Brook Development that is before the Planning Board. He said that it is a 5.6 acre site on Littleton Road, south of the Lime Quarry and next to Woodcrest Condos, for 38 multi-family units. He introduced Jack McBride and Bob Wildes, who are also the owners of The Courtyard, a 158 unit complex on Littleton Road, and Chris Lorrain, LandTech Development, who explained the site plan.

Mr. Wildes said they will have 4 phases to the project, with app. 4 months for construction of each phase, app. 10 units per phase, and hope to be built within one year. Mr. Geary said that as for amenities, there will be no pools or tennis courts, but there is proximity to the Lime Quarry and their trails. Mr. Lawlor asked about a barrier between the units and Rte. 495 and was told that there is a natural terrain barrier, both visual and audial.

Mr. Geary said they were granted a permit for 32 units on this site in 1988 but they did not build at the time and the permit has expired. The Fire Chief has asked for a cul-de-sac, which will be added, and they will pay $3300 per unit to Littleton Road Extension, Inc. for sewer tie-in and add berm and plantings to the westerly boundaries. Mr. Brem asked about impact to the Town with traffic, noise, etc. and Mr. Geary said no adverse impacts.

Mr. Logan said he thought the sewer project at the Courtyard was a complete fiasco, both traffic and paving on Littleton Road, and Mr. Geary said that Littleton Road Ext. Inc. and Middlesex Paving will both accept responsibility.

Jack McBride said that as President of Littleton Road Ext. Inc. he takes responsibility, that it was a $2.5 mil project, and that temporary paving was their biggest problem. They had many problems with contractors but have guaranteed that all claims for damages will be satisfied and asked that the Board not relate the Courtyard experience with this project.

Mr. Geary explained the difference between the Courtyard and Glen Brook. Sel. Brem said that as a past sitting member of the Sewer Commission he knew there were many problems with the sewer project and he commends all participants for coming together with a compromise to complete the project, and he is pleased with the final result. Mr. Lynch said that based on positive comments from the administrative departments he would recommend the Glen Brook project, and asked if the developer would like to set aside 3 - 4 units for affordable housing. Mr. McBride said that based on some definitions this whole development falls within moderate housing and since there are still some units left at the Courtyard he doesn't think the developer will be able to subsidize more .

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, to endorse the concept of this project. Vote was 4 in favor, 1 opposed (Mr. Logan). The Chair asked Mr. Lawlor to draft a letter in more detail to the Planning Board, stating the Board's concerns. Mr. Brem asked for a package of the revised plans.

Vickie Gradie, **Manager of Burger King Restaurant**, Drum Hill Road, was present to request an **Automatic Amusement Device license.** They want to rent a video machine from Manchester Music Co. and plan to put it in the entrance way off the parking lot. It is geared toward teenagers and is not that critical to their operation. Mr. DeFreitas asked why it is being put in and Ms. Gradie said that other restaurants in the area have put them in and she did not ask for this machine, Burger King did.
Mr. Lynch said he has spoken with the Police Chief, who has approved the device, and said that his major concerns are that these devices may be a type of gambling machine.
Motion by Mr. DeFreitas, seconded by Mr. Brem, to grant the license for a period of 4 months, to be reviewed before renewal, unan.
Mr. Blomgren said his concerns are that a machine of this type puts extra pressure on parents, and its proximity to the high school. Ms. Gradie said she would have an attendant assigned to monitor the machine during school hours and Mr. Logan said this could be a condition on the license. Mr. Lynch said we could add to the conditions that the machine not be an attractive nuisance. On or about Dec. 31st a BOS member or the Town Manager can ask to have Burger King called in, if warranted.

Peter D'Ambrusco, owner of Old Macdonald's Farm. was present to ask for an extension of their liquor license hours for New Year's Eve. Mr. Logan said he will chair this discussion but not vote on it due to a possible conflict of interest. Mr. DeFreitas left the meeting due to a possible conflict of interest.
Mr. D'Ambrusco said he would like to stay open until 2:00 am New Year's Eve because his competition all does, and that he can't maintain a successful business without operating that night. He is fighting to get the restaurant going and they have the cleanest kitchen in Town. He will do more as they make more money such as Family Breakfasts, etc. They want to basically have a Dinner Dance on New Year's Eve.
Motion by Mr. Lawlor, seconded by Mr. Brem, to approve Old Macdonald's Farm staying open until 2 am New Year's Eve. Vote was 3 in favor, 2 abstentions (Mr. Logan and Mr. DeFreitas).

The **Board's position on non-alcoholic beer** was discussed. Town Counsel's opinion was asked re limiting the age of sale to 21 or older and restricting where it can be sold. Town Counsel James Harrington was present and said that his opinion is that if they want to put restrictions on near beer that it be a by-law and that they not try to restrict where sales take place. He has talked with the ABCC counsel and the restricted selling has not been tested yet by them. Mr. Harrington said he can prepare an article for the October Town Meeting, and that if passed it would have to be approved by the Attorney General, which could take up to 90 days.

Motion by Mr. Brem, seconded by Mr. DeFreitas, unan. to have the Town Manager and Town Counsel draft an article to change the by-law to make it unlawful for a person under the age of 21 to purchase non alcoholic beer.

Mr. Lynch then went over the proposed warrant articles for the October Town Meeting with the Board:

1. Standard article - NVTHS has to comply with the state law
2. Mr. Blomgren's charter amendment
3. Transfer of Cemetery Dept. funds to fund settled contract
4. Early Retirement - there is a problem with the Middlesex County retirement system, and when it is ironed out we can do this article either now or in the spring. It would save money because new employees would be paid less and contribute more to the retirement system.
5. Trapping by-law - BOS had wanted to review the language, and maybe give more power to the Conservation Commission
6. Ask if the BOS should publish the warrant book - Town Counsel say the FinCom should do so - Mr. Lynch thinks it should be withdrawn
7. Mill Road re-zoning
8. Zoning by-law change - to empower Planning Board to issue variances
9. Change in Use Regulations - IA to CB

No.'s 7, 9 and 10 - all by petition

11. Amend the Fire By-laws - outdoor burning and transportation of fuels
12. Petition - Pay $1.00 to each elected and appointed official for health insurance purposes
13. Petition - Town to sell land around the Lake - Mr. Harrington told the Board that the purpose of the article is to clear up some titles. He will have a conflict of interest and Dennis McHugh will handle any legal opinions.

No.'s 14 - 16 Sale of Town-owned land under CH 30B

17. Form Town Meeting Member Association
18. Re-open West Fire Station
19. Sale of near beer - regulating

Motion by Mr. Brem, seconded by Mr. Lawlor, unan. to approve the placing of these articles on the October Town Meeting Warrant. Mr. Harrington said the Board must give him a letter stating what nights they intend to hold further meetings. It was decided that the site should be McCarthy Auditorium, or the gym, or the Senior Center.

Under Reports Mr. Logan asked if Bayberry Drive is an accepted street because the sign says For Residents Only and Mr Lynch said that it is a private drive.

Mr. Logan reported that the BOS, FinCom and School Committee will meet again on Nov. 9 to go over budgets. This continues to be a cooperative effort.

He asked Mr. Lynch for further beaver reports and Mr. Lynch said the State has been in, Bob Greenwood has shown them around Town and they are developing a plan for the Conservation Commission to adopt. We are routinely breaking several dams and there will be trapping in November.

Mr. Logan reported that the East Chelmsford Water District and the BOS met on Sept. 15, first at the Canal Street pumping station and then at their offices.

Mr. DeFreitas reported that ESP is doing a TV series in September. There will be a training session at the CATV studio for anyone interested.

Mr. Blomgren said he had asked for annual reports from committees and submitted a list to the Town Manager.

Mr. Blomgren gave members a list of suggested improvements to the Town Accountant's office for FY93 and asked BOS to reiew it and come back with recommendations.

Mr. Blomgren said that in a local newspaper column Off The Cuff the remarks about Tom Mills angered him and he doesn't feel the Board was acting irresponsibly with Frequesncy Sources.

Under Town Manager Reports, Mr. Lynch said that the North Town Hall sale has been advertised in the Lowell Sun, Beacon, Banker and Tradesman and Central Register. To date 4 copies of the RFP have been mailed out.

Re Hart Pond, the state report is now in draft form, and the DPW Director says it can be submitted to the state shortly. Mr. Pearson will schedule a public meeting for late September for all interested parties. On the lowering of the water level Mr. Pearson says we will lower it by 3 feet after Columbus Day, replace the flashboards and bring the water up to the appropriate level.

Mr. Lynch reported that the Summer Recreation Program had a record number of participants and the report from the Summer Director indicates a very successful year.

Mr. Lynch told the Board that he is trying to streamline the licensing process and has asked for a designee from each committee involved to have a meeting to try to set up a one stop licensing process. Mr. DeFreitas will be the BOS representative.

Under **Other Business**, the Board discussed the **re-districting of the precincts**. Mr. Lynch and Town Counsel are recommending that it go into effect for the Spring session of Town Meeting since all Town Meeting reps have to be re-elected.
Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to accept the re-districting as approved by the State, effective date to coincide with Spring Town Meeting.

Motion by Mr. Lawlor, seconded by Mr. DeFreitas, unan. to approve the issuance of **Roadside Vendor's licenses** to sell Christmas trees to Gregory Spring at 118 Chelmsford Street and 55 Graniteville Road. He has had these licenses for several years.

Under **Policy**, Mr. Lawlor said he is introducing a **new policy on the issuance of one-day licenses** that he and Mr. Blomgren have crafted. Mr. Logan said that the Board will discuss and vote on this at their September 21st meeting. Anyone wishing to speak on the subject should do so at Open Session.

Under **Appointments**, Mr. Lynch said that he has made the following appointments:

Recreation Commission - Jeffrey Stallard, 136 Tyngsboro Road, term to expire 6/30/93;
Veterans' Emergency Fund - reaffirm Dr. Stephen Belkakis;
Traffic and Safety Committee - Karen Wharton has resigned; appoint Steven Temple, PineRidge Road.
Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to support these appointments.
Under **BOS appointments**, motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to appoint John Ketcham to the **Board of Registrars** for a 3-year term.

Mr. Blomgren said he has used the **new bike path** in Lexington, and wondered what happened to the Bruce Freeman Bike Trail. Mr. Lynch said it was never put out in the Department of Transportation bond issue. He said that we have an active railroad spur in the middle of our proposed trail, that NMCOG has done some work and he will contact Rep. Carol Cleven.

At 10:05 pm motion by Mr. DeFreitas, seconded by Mr. Lawlor, to go into **Executive Session to discuss collective bargaining**. Roll Call vote was as follows: Mr. DeFreitas-Aye; Mr. Lawlor-Aye; Mr. Brem-Aye; Mr. Blomgren-Aye; Mr. Logan-Aye. Mr. Logan said they will not be coming back to Open Session.

For the Board of Selectmen, by

Judith E. Clark

Regular meeting of the Board of Selectmen held Monday, September 21, 1992. Members present were: William R. Logan, Richard E. DeFreitas, Peter V. Lawlor and Roger A. Blomgren. Selectman Jeffrey A. Brem arrived later. Town Manager Bernard Lynch was also present.

During the Open Session Barbara Quinn, 14 Brian Road was present to discuss the article she had submitted by petition for the October Town Meeting. Ms. Quinn said she had submitted the article on July 31st and was told on September 17 that it was illegal and to call Town Counsel. The goal of the petition was to get health insurance for any appointed or elected official through the town group plan, although they would pay 100% of the premium, although according to Chapter 32B the Town pays 60% for employees and they pay 40%. She called the Attorney General's office and was told it would be an illegal article but it could be changed through legislation. Rep. Carol Cleven took the article to House Counsel and he will reword the petition article. If the article passes at Town Meeting we could submit a Home Rule petition to go through the legislature. Ms. Quinn wants to know when is the deadline for the warrant to go to the printer. Mr. Lynch told her that the deadline for petitions was August 3rd and the BOS has the warrant to vote on tonight. If the House Counsel writes it up and gets it to us we can change the wording, but this is up to the BOS to determine. Chairman Logan said we will be discussing the warrant later in the evening.

Henry Emmett, 13 Smokerise Drive, was present, telling the Board that he had read in the Globe that Mass. Bituminous Company will be supplying paving materials for all of Essex County. He is concerned about all the truck traffic going over Route 110, that you can already see truck tracks in the new pavement and asphalt is being spilled. He asked if it is of any benefit to the Town to have the increased volume at the plant on Rte. 110.
Mr. DeFreitas said he is the spokesman for the Board on this issue and he has noticed the spillage of oil in the Center and on Route 110 and can see the top layer of hottopping disintegrating. Mr. Lynch said he has spoken to representatives of Mass. Bituminous and they have been very cooperative in the paving of Route 3. Any conditions to be followed would come under their Board of Appeals Special Permit. When they first opened on Oak Street the BOS set up a neighborhood committee to handle complaints, and the number of complaints is way down now. The benefit they provide to the Town is their property taxes and excise taxes on equipment. Mr. DeFreitas commented that we should petition the State to build a ramp onto Rte. 495 for them. Mr. Blomgren said that they have just acquired SanVel in Littleton and they could move all their assets out there.

Mr. Logan called the meeting to order at 7:30 p.m.

Mr. DeFreitas read a Proclamation proclaiming October 3, 1992 as Troop 212 Day in Chelmsford. Members of the troop and their leaders accepted the proclamation.

Mr. DeFreitas read a Proclamation proclaiming the week of September 21 - 27 as Chelmsford Women of Today Week.

Attorney James Geary spoke to the Board about the Fund Raiser that the Greater Lowell Alzheimers Association is holding on October 17 at the Senior Center. This is the 5th year for this annual spaghetti supper and the first time held in Chelmsford. Funds raised are used to fund educational seminars and support groups. He said all are welcome to attend the supper.

Motion by Mr. Lawlor, seconded by Mr. DeFreitas, unan. to approve the minutes of the meeting of August 17, 1992.

A Public Hearing was held on the application of Anthony G. Ferreira, 33 Marshall Street, for a Class II Auto Dealer's license to be exercised on the premises known as Ferreira Wrecker Sales, 29 Oak Street. Mr. Ferreira said he is a distributor for NRC Industries, Canada and Reilly Tow Trucks, Tennessee, and has been selling tow trucks for ten years. He has been at the Oak Street location for 5 years and Mass. Gen. Laws have changed and now you can't use repair plates without a dealer license. He will not be changing anything that he is not doing now. Ninety percent of the trucks will be stored inside. No one present wished to speak in favor of or opposition to this application. Mr. DeFreitas asked if he needs this license to continue in business and Mr. Ferreira said yes. He added that the vehicles will be parked on Oak Street and none on Littleton Road. Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to grant the license as requested.

Attorney James Geary and Scott Dale from Altid were present to present a re-zoning article to the Board. The land is 3 acres on Billerica Road which is now zoned IA (Industrial) and they are asking to rezone it to CB (Roadside Commercial). They want to put in a small shopping mall similar to Concord Road, Chelmsford Street or Groton Road -a small mall, intended to serve that immediate neighborhood. They feel there is a need as property owners in that area. The parcel is on Billerica Road bounded by Alpha Road and Elliott Street. Mr. Geary said they go back to the Planning Board on this article Wednesday night.

Scott Dale showed the layout and handed out packages to Board members. It is a 2.8 acre site, with 200 foot frontage, and 2 parcels, one with Billerica Road frontage as a gas station and rear parcel as retail establishments and a drive through car wash. There will be three curb cuts necessary. The retail section is 15,000 sq. ft., with a mini anchor store and 4 - 5 smaller bays. They feel there are some services that tenants want - gas station, dry cleaners, bank, medical facilities, fast food, full restaurant - that are consistent with the ways that CB areas have been developed. Mr. Lawlor commented that a gas station makes the proposal less attractive and Mr. Geary said they may have to go to the Planning Board and Board of Appeals for permits for some businesses and they may impose some conditions. Mr. Dale said that signage, probably on Alpha Road, would be in compliance with the by-law and Mr. Geary said that many issues will be raised with the curb cuts. Mr. Blomgren questioned about available stock already in Town, would this add to or take away from other small malls, what value does this bring to the Town, and why is it needed.

Selectman Brem joined the meeting at 8:05 pm.

Mr. Dale told the Board that they are hoping to serve smaller tenants who have a need for these services.

Mr. Logan did not participate in the discussion or vote on this topic, and said that the Board will wait to hear the Planning Board's recommendation.

Former Selectman **Dennis J. Ready** was present and discussed the **re-zoning article** he is involved in. He is requesting a **change in the use schedule in an industrial zone to allow restaurant usage.** He showed the zoning map with IA zones in yellow, and said he is primarily concerned with the Golden Triangle. Mr. Ready said that he feels the 99 Restaurant would have gone into Chelmsford rather than Lowell if we had had the right zoning, and he has always felt that restaurants should be allowed in industrial zones and doesn't like spot zoning. The original petition called for restaurant, retail and indoor recreation, but only a restaurant would really be compatible with an IA zone so he will amend the article. Mr. Ready said that a couple of people have approached him about locating restaurants there and permitting restaurants in an IA zone will put us in competition with surrounding towns.
Mr. Ready said that Sun Micro Systems wouldn't have located there but for road improvments and sewerage. He doesn't feel that Rte. 129 will have large companies but niche manufacturing. Mr. Lawlor asked when this section of Rte. 129 was re-zoned and Mr. Ready said in 1962, to stop the building of Chelmsford Farms III.

Attorney Geary again addressed the Board, on behalf of the McBride Family, on the **re-zoning of land off Mill Road, Article 9, for an 86 unit multi-family site, condoed, with common areas,to be known as Mill Brook.** These homes are designed for first time buyers, with an average frontage per unit of 56 feet, and an average of 1350 - 1500 sq. ft. per unit. The McBride family will be the contractors, and the area abuts the Billerica Town Forest and includes a stream and pond. They have had a traffic study done and there will be less impact on the area than an industrial development would bring. Mr. Berm questioned infrastructures and Mr. Geary said there are exisiting sewer facilities and ample water. Utilities will be underground and Jack McBride said they will need a pumping station for sewerage which will probably be condo paid.

The Board then went on to **Other Business.**

1. **EVZON Beer and Wine License** - Mr. Logan stepped down. Mr. DeFreitas read the restrictions that the Board has placed on the license: 1. Hours of service to be as stated on the application - 11 am - 10 pm Weekdays; 12 noon - 10 pm Sundays. 2. Place mirror so Manager may see who is consuming liquor in all areas of restaurant; 3. Have a sign prominently displayed stating that no one will be served beer or wine unless he/she has purchased a meal; 4. Submit letter from owner of property stating that there are no objections to the issuance of this license (already submitted). No one wished to speak further and Mr. DeFreitas closed the hearing.
Motion by Mr. Lawlor, seconded by Mr. Brem, to **approve the application of EVZON for a Beer and Wine License subject to the conditions enumerated.** The vote was 4 - 0 (Mr. Logan abstained). Mr. Logan resumed the chair.

2. **Halloween** - Mr Logan said that over the past several years the Board has set the date of celebration for Halloween, based on the Police Chief's recommendations. Mr. Lynch said that he and the Chief are both recommending Saturday night, the actual date of Halloween.
Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to **officially state that Halloween is to be celebrated on Saturday, October 31st from 5 pm - 8 pm.**

3. **Thornton Lane** - Attorney Paul Alpen said that the Town has the right of first refusal on this property. The Board had given refusal on two lots, but now only one lot has been sold and all land is to be removed under Chapter 61A. Parcel A has to be removed and Parcel 2 can be renewed without a vote of the Town because it is the House residence. He is asking the Board to sign his letter dated September 21st clarifying which lots are being refused. Mr. Lynch recommended that the Board sign and Mr. Blomgren said he wouldn't sign anything until Town Counsel endorses the action.

Motion by Mr. DeFreitas, seconded by Mr. Lawlor to sign the letter and have the Town Clerk notarize it in the morning. Vote was 4 in favor, 1 opposed (Mr. Blomgren).

4. Warrant Articles - The Board decided to vote to post the warrant, with specific articles to be amended on Town Meeting floor. Mr. Lawlor noted that we are waiting for wordage on Article 6, submitted by Barbara Quinn. Town Manager Lynch reminded the Board that the Town is self-insured, and even though the persons covered would pay their own premiums the Town is liable for any major illnesses so there is a certain degree of risk. Under Chapter 32B people can't pay different rates. Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to accept the warrant articles as submitted.

Under Policies Previously Submitted, Mr. Lawlor said his purpose in submitting a policy on one-day liquor licenses is that our one-day policy has been confusing. He has stated conditions that would have to be filled, without any limit on the number of licenses, and that these licenses are only for non-profit organizations.
Mr. Brem said he wants to look at the fee structure for licenses - maybe let the first 5 licenses go at $50.00 each, then go up to $75.00 to $100.00 for the next five, and higher after that. Mr. Blomgren suggested that there be no need for the petitioners to appear each and every time if we have had no problems issuing them licenses. The Town Manager recommended that the Board adopt the policy, since there has been confusion in the past.
Chairman Logan thanked Mr. Lawlor and Mr. Blomgren for putting together a good policy.
Motion by Mr DeFreitas, seconded by Mr. Lawlor, unan. to adopt the policy. Mr. Lawlor and Mr. Blomgren will work to integrate new policies into basic policies.

The Board had received a fax late today on Lamplighter Green but Mr. Lynch said they should reserve comment on the letter until we have talked to Special Counsel Tom Arnold. The Board will take action at their next meeting. Samuel Poulten, Developer for the Project, said he understands the Board of Appeals will vote on Thursday, and he wants to make sure that they did contact the Board of Selectmen.

Undr Reports the Town Manager reported that in early August the Board met with the North Chelmsford Water District re salt usage on state highways and the State DPW has said they will reduce the amount of salt used north of Drum Hill.

Mr. Lynch asked everyone to attend the Cultural Council's Fall Fair on the weekend of October 2nd.

Mr. Lynch reported that the Council on Aging is running an Adult Day Care Program, self-supporting at no cost to the Town. Their Lunch Program is serving 180 persons a day, with 90 Meals on Wheels. On the Senior Tax Rebate we have two seniors in place, with about 50 expressing interest in the program.

Mr. Lynch said he had indicated earlier that an ambulance will be based in the Town of Chelmsford but it will be based out of the Center Station, not the West as reported. He will be working with the Chief and officers to look at other options. Mr. Blomgren asked why we re-surfaced the parking lot at the West Station and Mr. Lynch said that was part of the area to be re-paved under the Capital Plan. It was advantageous to have it done at this time.

Under Board Member Reports Mr. DeFreitas said that he and Mr. Blomgren debated the subject of Tax Classification with the Chelmsford Business Association. He has prepared a study of classification which is available for anyone who wants to write in for it. He will debate with Mr. Blomgren anytime, saying it was fun and informative, and he asked the Business Association to come to the Board with any ideas they might have.

Mr. Lawlor reported that the Board has met with all 3 water districts, that it was a good experience for the Board and the Town. They appreciate the hospitality shown to the Board by the Districts and they will be discussing various ideas presented.

Mr. Lawlor asked the Town Manager to look into Referendum Question #3 - packaging - to familiarize himself and report back to the Board, and should they as a group take an issue on it.

Mr. Brem reported as a member of the Cultural Council that they are holding their Fall Fair on the Common on October 2 and 3. This is a celebration of 10 years of grant funding - they have given $40 - $50 thousand to 30 or 40 groups over the past 10 years. He read a list of activities taking place during the Fair and invited all the community to attend.

The Chairman reported that the Town Manager is going to get the flagpole painted at the East School.

He asked the Town Manager to ask the Police Chief about the unusual amount of activity on the Common.

Mr. Logan announced that the Citizens' Forum originally scheduled for September 28th is now set for October 8dth at the Senior Center at 7:30 p.m,.
He announced that the Traffic and Safety Study Committee is going to hold a Public Hearing on September 28th at the Center.

Mr. Logan reported that he, Judy Carter and Mary St. Hilaire as Acting Town Manager met with visitors Jennifer and John Fairchild from Chelmsford, England on September 11th.

Mr. Logan reported that Economic Development Partnership (EDP), a non-profit private corporation, meets the 3rd Friday of the month. The 30,000 sq. ft. of space at Child World has been leased to MVP Sports.

Under Appointments, Mr. Lynch announced that Dan Burke has stepped down from the Board of Appeals after 17 years. In keeping with tradition he is appointing senior alternate Ronald Pare, who has 10 years experience, to a permanent position. He is accepting applications for the alternate position. Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to confirm the appointment.

Under New Business Mr. Logan said that he wants Dan Burke and any other appointed Committee members who have resigned to attend the Board's next meeting to receive Certificates of Appreciation.

Mr. DeFreitas asked the Town Manager to aggressively look into the spillage from trucks in Central Square.

Mr. Blomgren asked about the abandoned Mobil Station at Drum Hill, noting that some piling that held a light has some bolts sticking out that can damage cars. The DPW had had a sawhorse there, and he asked the Town Manager to have the piling fixed.

Mr. Lawlor asked the Town Manager to make a recommendation on having the All Alcoholic Package Goods Store license on Gorham Street revoked.

Mr. Brem said that he has read the conceptual report on Frequency Sources. The DPW still has not given a waiver - they're waiting for the Water Pollution Control Division. At the present time there is no one assigned to the project from Water Pollution Control or Hazardous Waste. He has asked them to get going and may meet with them.

Motion at 10:15 pm by Mr. DeFreitas, seconded by Mr. Lawlor, to go into Executive Session to discuss strategy with regards to collective bargaining. Roll Call vote was as follows: Mr. DeFreitas-Aye; Mr. Lawlor-Aye; Mr. Brem-Aye; Mr. Blomgren-Aye; Mr. Logan-Aye. Mr. Logan said they will not be coming back to Open Session and there will be no announcements.

For the Board of Selectmen, by

Judith E. Carter

Regular meeting of the Board of Selectmen held Monday, October 5, 1992. Members present were: William R. Logan, Richard E. DeFreitas, Peter W. Lawlor, Jeffrey A. Brem and Roger A. Blomgren. Town Manager Bernard F. Lynch was also present.

During the Open Session of the meeting Thomas Welch, 56 Crooked Spring Road, spoke to the Board on the proposed Lamplighter Green HOP development. Telamos will drop the number down to 98 if the Board will enter into a cooperative agreement with the developer. He stated that a local partnership is more beneficial to the Town and feels we are making progress with them. His major concerns are: if the developer gains benefit with a local partnership we should be getting something back from him by endorsing it; the Town should understand the size of the holding tank and work with the developer to determine the size; we should look at any opportunity to get the number of units down to 75; we should make sure the proper committees are involved in reviewing the project, and it would be wise to have the Town Manager pick 4 or 5 neighbors to meet with the developer on a regular basis.

George House, 12 Thornton Lane, spoke with the Board, saying that he wants the Town to pass an ordinance prohibiting dirtbike tracks in residential neighborhoods. He is trying to sell a lot and may have to sell his own home and no one would want to buy if they hear the noise. Mr. Lawlor commented that we already have noise ordinances and it may be a question of having the police enforce it. Mr. Lynch said that we have no restrictions on dirtbikes now because it hasn't been a problem to date. He added that we will check with other Towns re dirtbikes and ATV's. It appears to be a zoning by-law that has been requested and he will check with Tony Zagzoug, Richard Day and Jim Pearson. They have all looked at the area because at first we thought it was Town property.

Chairman Logan called the meeting to order at 7:30 pm.

Mr. DeFreitas read the proclamation proclaiming Knights of Columbus Days for the Handicapped as October 8 - 10, 1992. The proclamation was accepted by Nelson McCarthy, K of C.

Motion by Mr. DeFreitas, seconded by Mr. Brem, unan. to approve the Executive Session minutes of September 2, 1992.

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to accept the minutes of September 8 and September 21, 1992

The Chairman then presented Certificates to Appreciation to the following persons for their service on various committees: Franchon Larson - Council on Aging; Mike McCall - CoA; Albert

Leman - CoA; Sandra Stewich - Cultural Council; Hal Matzkin - Personnel Board; Dennis Sullivan - RecComm; Karen Wharton - Traffic & Safety; and Jean Mark - CoA. The following were not present and certificates will be sent: Carrie Steiman - Holiday Decorating; John Demers - Personnel Board; Candace Gregorian - CoA; Connie Stone - Capital Planning; Joan Gauthier - Personnel Board; Deborah Sady - Cultural Council; and Dan Burke - 17 years on the Board of Appeals. Mr. Logan thanked all appointed committee members for their time and dedication.

Catherine Fraser, New England Telephone, petitioned jointly with Mass. Electric Co. to place one pole on Pine Hill Road to service a new home.
Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to grant the petition.

At 7:40 pm a Public Hearing was held on the application of John Bowles, Jake's Auto Body, for a Class II Auto Dealer's license to be exercised on the premises at One Oak Street. Mr. Bowles told the Board that he wants the license to buy repairable cars at the auction, so he can repair them and sell them to car dealers. He won't have more than two cars for sale on his property at one time, has a Mass. permit to store used oil and will comply with the sign by-law. The Police Chief recommends this license. No one present spoke in favor of or opposition to this application.
Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to grant the Class II license, with the restrictions of not more than 2 cars for sale and compliance with the sign by-law.

A Public Hearing was then held on the application of Robert Lockhart, 4 San Mateo Drive, for a Common Victualer license to be exercised on the premises known as Carlisle Superette, Bay 6, 83 Parkhurst Road. Mr. Lockhart said he has been in Carlisle for 22 years but increased rent has made him decide to move his business to Chelmsford. He will sell sandwiches, subs and deli products in his convenience store, and the hours requested are from 7 am - 8 pm weekdays, and 8 am - 8 pm on Sundays. Speaking in favor were: Karen Wharton, who knew the Carlisle store, and John Harrington, who said the business community looks forward to them moving into Town.
Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to grant the Common Victualer license with the stipulation that there will be no tables and chairs, although Mr. Lockhart may come back to the Board asking for them at a later date.

Under Town Manager Reports, Mr. Lynch reported that we received no responsible bids for the sale of the North Town Hall. We had requested $75,000 as a minimum bid and had only one proposal, for $1.00. If we go forward we would require additional bidding, and we already have advertising costs.

Re Hart Pond, there is a meeting tonight between the DPW Director and the residents, and they appear to be in agreement.

On the Gorham Street liquor license, the Board should schedule a hearing to have it revoked due to lack of use. This will be scheduled as soon as it can be legally advertised - either October 19th or 26th.

He checked with Mass. Bituminous re trucks spilling oil in Central Square, and they are very willing to cooperate with the Town. Their Route 3 project is ending but it is up to the Police Chief to issue them permission to open on Sundays. Mr. DeFreitas said he has checked into a Rte. 495 approach ramp for Mass. Bituminous and it could happen if we urge the State. He will check further and Mass. Bituminous is also interested in this.

Mr. Lynch has done research into Question 3, an initiative petition on the state ballot. The purpose is to encourage recycling and discourage over packaging of products and several other states are considering the same question. Based on the Town's positive reaction to recycling, the package presented shows both sides. The Board should look the presentation over and make recommendations at the next meeting as to what stand the Town will take. Mr. Lynch noted that Very Fine juice company in Westford is already in compliance with this law. Mr. Brem said he feels that the initiative should be regional or national, not just local.

Mr. DeFreitas reported that he wants to commend everyone who worked on the Cultural Council Arts Fair - that it was very well staged.

He reported that there has been a meeting on one stop licensing, that there was some initial inertia but it was a very informative meeting.

Mr. DeFreitas said that ESP is running a once a month TV series on Cable 43 on how to start a business in Chelmsford.

Mr. Lawlor reported that on Thursday, October 8th the Board is holding a Citizens' Forum at the Senior Center, which will allow people to say whether we're doing well or not. The Board has a genuine commitment to be responsive to citizens.

Mr. Brem reported that the Arts Fair was very successful, and that the Cultural Council was formed in 1982 when the State initiated the Arts Lottery. The Chelmsford Council has granted app. $100,000 over the past 10 years. Mr. Brem said that app. 2,000 people attended the Fair, and the theme was "Celebration". There is now talk about putting on a fair every year. Cable 43 will be re-broadcasting coverage of the fair this week.

Mr. Blomgren also noted the **Citizens' Forum** on Thursday and asked the media to publicize it.

Mr. Logan said congratulations to **Mr. Brem and the Cultural Council on the Arts Fair** and said that the Board wants to thank the Council.

Mr. Logan noted that the **Finance Committee Warrant Book** for the October 19 Town Meeting is out and asked all Town Meeting reps and interested residents to pick up their copies at the Town Offices. He also asked that minutes of BOS meetings be sent to the School and Finance Committees.

Mr. Logan reported that the **Princeton Street bridge** continues to rot away and that there are holes on either side of the **Middlesex Street bridge** near McMahon's Market. Mr. Lynch said we will again write to the State re Princeton Street although he knows it is low on their list, and he is asking the railroad to fix the fence on the Middlesex Street bridge. Mr. Brem asked for a sign at that bridge to warn motorists.

Mr. Logan said that the **Board will go on the road** - that we will schedule meetings for November - East School, December - Byam School and January - Senior Center.

Mr. Logan reported that at half-time at the football game on **Friday, October 23rd the Alumni Field at the High School will be re-named the George Simonian Field** and that there will be a dinner in honor of Mr. Simonian on Thursday, October 22nd.

Under **Unfinished Business** Safety Officer Pat Daley had recommended placing **15 minute parking signs in front of 179 Dalton Road** at the request of the homeowner. Mr. Brem suggested referring the matter to the Traffic and Safety Committee for their October 14th meeting. The BOS can vote on the 19th.

A **Stop Sign** has been requested for the **intersection of Meadowbrook and Crooked Spring Roads** by residents and Pat Daley has recommended it and given the Board the approved form for the Chairman to sign. The state has recently empowered the towns to approve stop signs.
Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to have this Stop sign erected.

The Board then discussed the **Lamplighter Green HOP proposal**. Mr. Brem submitted a letter that he has filed with the Town Clerk stating that he worked on this project as Project Engineer which may appear to be a conflict of interest when there is none. He is disclosing this relationship as advised by the State Ethics Commission. Mr. Logan said he has read Chapter 268A.

The Town Manager then gave his recommendation, summing up the history of the project. In 1987 we advertised for RFP's for Affordable Housing Projects under the Housing Partnership Program (HOP). This Lamplighter Green proposal was filed as a single permit with the Board of Appeals. The Affordable Housing Review Committee (AHRC) had several concerns with Lamplighter Green but they approved it and passed it on to the Selectmen. The BOS did not endorse the project and the Board of Appeals did not grant the permit. Telamos then appealed to the Housing Appeals Committee, who allowed the project to go forward with the number of units reduced to 149. The Board of Appeals appealed through the courts on behalf of the Town but in February 1991 they had to issue a Comprehensive Permit as ordered by the courts. The Board of Appeals asked them to look at further reducing the density, which is now 98 units of single housing, with BOS endorsement. If the Board endorses the project it would be a local initiative project; the alternative is to go with 117 units.
Mr. Lynch said that the AHRC met earlier this evening and deliberated with the developer. Judy Hass, committee member, told the Board that the AHRC feels that this development should go forward, noting that the density concerns have been addressed: the developer would make 30% of the units affordable, and allow the Ho ing Authority to purchase up to 10% of the
units. Their environmental concerns have been adequately addressed - wells, fencing, screening, access issues. The AHRC urges the Board to enter into a local agreement with the developer - they want to maintain a negotiable relationship and control with the developer. It was the concensus of six members that we have a strong need for 3 bedroom units and all units will be 3 bedrooms, and Attorney Capezzera representing Telamos has indicated willingness to try to reduce the size of the holding tank.
Mr. Logan asked Mr. Lynch if it is good for Chelmsford and is it good for the neighbors. Mr. Lynch said he would like to see the number of units decreased even more but 98 units works for the developer and would work for the Town. He feels it is a good project for the Town. Mr. Lawlor asked about phasing and was told that about every 4th unit will be affordable. The condo association will own and manage the pumping station. Mr. Blomgren asked about the impact on the Town services, especially with two other proposed developments of 38 units and 78 units. Mr. Lynch told him that the major impact will be on the schools, and they are already re-districting. Roadways will be private and the pumping station owned by the association.
Atty. Capezzera then addressed the Board stating that re the Board's concern with the size of the holding tank they have already reduced it by 8 - 9,000 gallons by reducing the number of bedrooms. Each bedroom requires 110 gallons of holding capacity - the tank holds effluent to be pumped into the Richardson Road sewer system during off peak hours. Mr. Capezzera concluded that construction will probably be a 2-year

process and in a cooperative environment all sorts of solutions are possible.
Mr. DeFreitas moved, based on input from Tom Welch regarding the residents, that the **BOS support this project**, incorporating neighborhood concerns. Motion seconded by Mr. Lawlor for discussion, stating that the issue is, is this best for the Town. Mr. Lynch asked if the motion is that the Town enter into the preparation of documents to file with the State. Vote on the moiton was 4 in favor, 1 opposed (Mr. Lawlor). Mr. Capezzera was told that this vote will go to the Board of Appeals.

The Board then voted on their **position on Warrant Articles** for October 19 Town Meeting.

Art. 1 - Petition: to form committee to study feasiblity of forming Town Meeting Association. Motion by RdeF, seconded by JAB to not recommend. Vote was 3 in favor, 2 opposed (RAB and PVL).
Art. 2: Cemetery Union funding. Motion by RdeF, seconded by PVL, unan to recommend.
Art. 3: NVTHS Grant - to accept. Motion by RdeF, seconded by PVL, unan. to recommend.
Art. 4: Early Retirement Incentive. Motion by RdeF, seconded by PVL, unan. to recommend.
Art. 5: Zoning By-law Amendment. Motion by RdeF, seconded by PVL, to recommend. Vote was 3 in favor, 2 opposed (JAB and RAB)
Art. 6: Health Insurance for appointed officials. After discussion, motion RdeF, seconded by PVL, unan. to recommend at Town Meeting. Mr. Lynch will check into the retirement question.
Art. 7: D.J. Ready, to change IA zoning to BA to allow restaurants. Motion RdeF, seconded by JAB, to recommend at Town Meeting. Vote was 4 in favor, 1 opposed.
Art. 8: Repeal of Trapping By-law. Motion by RdeF, seconded by PVL, unan. to recommend.
Art. 9: Change zoning on Mill Road from IA to RM. Motion by RdeF to support, second JAB for discussion. Discussion was held as to whether RM is a good zone for this area. Mr. DeFreitas changed his motion from to support to recommend at Town Meeting, seconded by JAB. Vote was 4 in favor, 1 opposed (PVL).
Arts. 10, 11 and 12: Sale of Town-owned land. Motion by RAB, seconded by RdeF, unan. to recommend.
Art. 13: Sale of land at Crystal Lake to clear a title. Motion by JAB, seconded by RdeF, unan., to recommend at Town Meeting after hearing the petitioner.
Art. 14: Fire Dept. By-laws - adoption of changes in State law. Motion by RdeF, seconded by PVL, unan. to recommend.
Art. 15: Zoning change IA to CB, Billerica Road (Carye land) Motion by PVL, seconded by JAB, to not recommend. Vote was 4 in favor, 1 abstention (WRL).

Art. 16: BOS Appointing Powers: Motion by RdeF to withdraw. No second. Motion by RdeF to not recommend. No second. Motion by RAB, seconded by JAB, to recommend. Vote was 3 in favor, 2 opposed (RdeF and WRL).
Art. 17: Sale of non-alcoholic beer. Motion by RdeF to recommend at Town Meeting. No second - withdrawn. Motion by JAB, seconded by PVL, to recommend. Vote was 4 in favor, 1 abstention.
Art. 18: Re-open West Fire Station. Motion by PVL, seconded by RAB, unan. to recommend at Town Meeting.

St. Vartanantz Armenian Cultural Council has requested three 1-day liquor licenses for weddings. Mr. Logan turned the chair over to Mr. DeFreitas. Mr. DeFreitas read the dates and times for each of the 3 weddings - October 11, 12 and 17. Motion by Mr.Lawlor, seconded by Mr. Brem, to grant the licenses. Mr. Brem questioned the Sunday Entertainment asked for, and Mr. Lynch said the church is exempt as a non-profit organization from obtaining and added that the ABCC says we can issue up to 30 per year to any one establishment. Vote was 4 in favor, 1 abstention (WRL).

There were no policies, appointments, contracts or new business.

Mr. Lynch asked the Board about the memo he had written to them dated September 30, moving the daily supervision of the Town Accountant to the Finance Director. He will still meet with the Chairman of the Board on a quarterly basis.
Motion by Mr. DeFreitas, seconded by Mr. Brem, unan. to accept the recommendations outlined in the Town Manager's memo of Sept. 30 re the reporting mechanism of the Town Accountant, with his job responsibility and a Finance Director's job description drafted by the Town Manager. Mr. Lynch will report back in February to bring an article to an April Town Meeting if a charter change is needed. Mr. Lynch said we will proceed with the recommendations of the auditors and develop corrective action plans and work for better communications between departments. Mr. Blomgern asked Mr. Lynch to draft what we expect of the auditors' engagement.

At 10:15 p.m. motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to adjourn.

For the Board of Selectmen, by

Judie E. Canta

Regular meeting of the Board of Selectmen held Monday, October 19, 1992 at 7:00 pm at McCarthy Middle School. Members present were: William R. Logan, Richard E. DeFreitas, Peter V. Lawlor, Jeffrey A. Brem and Roger A. Blomgren. Town Manager Bernard Lynch was also present.

Motion by Mr. Brem seconded by Mr. DeFreitas, unan. to table approval of the minutes until the next meeting since some members just received copies tonight.

Douglas Gembis, Managing Partner at Bainbridge's Restaurant, had written to the Board asking for an extension of the premises under their liquor license for the evening of October 23rd. Motion by Mr. Lawlor, seconded by Mr. DeFreitas, to approve this request, pending receipt of a letter of support from Gene Gilet, owner of the facility. Vote was 4 in favor, 1 abstention (Mr. Logan, due to a conflict of interest).

Under Reports, Mr. Logan reported that the Traffic and Safety Committee had received a request from Police Department members Chief McKeon, Captain Caron and Safety Officer Daley to prohibit parking on the easterly side of Central Square from Summer Street to Billerica Road. He said that this is normally the purview of the Traffic and Safety Committee but he wants the Board to vote on this very important issue. Mr. Lynch commented that the Town has grappled with this problem for a long time because of safety reasons.
Mr. Logan said we have a press release and an amendment to the Town of Chelmsford by-laws. The Committee hopes this can take effect by November 1st. Traffic lines will have to be re-painted. Mr. Lawlor said he has a problem with the businesses in the Square losing 5 parking spaces and Mr. Logan said there are 80 - 90 spaces behind the buildings. Mr. Lynch said we will have signs put up saying Municipal Parking (behind the bank). Mr. Logan said they advertised the Traffic and Safety hearing and none of the merchants came.
Mr. Logan stepped down as Chairman and moved that the Board endorse the policy of the Traffic and Safety Committee on no parking on the easterly side of Central Square, as recommended by the Chief of Police, Captain Caron, the Safety Officer, the DPW Director and the Crosswalk Committee, and to add at least two new Municipal Parking Signs, effective November 15th. Motion seconded by Mr. DeFreitas. Vote was 4 in favor, 1 opposed (Mr. Lawlor).

Mr. Logan announced that Toys for Tots is looking for volunteers.

Under **Other Business** the request of **St. Vartanantz Cultural Pavilion for 2 one-day liquor licenses** was discussed. Chairman Logan did not take part in the discussion or vote.
Motion by Mr. Lawlor, seconded by Mr. Brem, to grant the requested licenses for November 1 and 7. Vote was 4 in favor.

Angela Sella, owner of **Homemade Pasta, 61 Central Square**, had written to the Board requesting adding seating to her shop, which is primarily pasta takeout. The Building Inspector has approved 19 seats in the establishment. The Board expressed concerns about the parking at this site and tabled the matter until November 16th and ask Ms. Sella to obtain a letter from her landlord stating his approval of adding seats. Mr. Logan asked Mr. Brem to talk with the Planning Board regarding the zoning and current parking situation at this site. Mr. Blomgren asked the difference between fast food and take out.

Under **Contract Awards**, Mr. Lynch said he has awarded the bid for the **Cemetery Dept. Dump Truck** to Iversen Ford for $22,131. This is financed by Capital Planning.
Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan.

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to adjourn at 7:30 pm to attend Town Meeting.

For the Board of Selectmen, by

Judie E. Carter

Regular meeting of the Board of Selectmen held Monday, October 26, 1992 at 7:00 p.m. at McCarthy Middle School. Members present were: William R. Logan, Richard E. DeFreitas, Peter V. Lawlor, Jeffrey A. Brem and Roger A. Blomgren. Town Manager Bernard Lynch was also present.

At 7:00 p.m. a **Public Hearing** was advertised to revoke the **All Alcoholic license issued to KAP Liquors**, 149 Gorham Street. Attorney David Fenton represented the owner Peter Kapala, and gave the Board a prepared schedule. The premises listed on the license had been foreclosed on by Shawmut Bank and the owner is trying to sell the building and market the license. Shawmut has no interest in the license so therefore Mr. Kapala can sell it. Shawmut has a second mortgage on Mr. Kapala's house and has started foreclosure proceedings. They are asking the Board of Selectmen to not take action for 4 or 5 months.
No one present spoke in favor of or opposition to this revocation.
Mr. DeFreitas asked how long they needed for an extension and Mr. Fenton said that since it has been advertised and the interested parties informed they are asking for 4 - 6 months.
Mr. DeFreitas asked Town Counsel James Harrington if the Town is under obligation to give them additional time and was told No, that only the Board can hold off on revocation and they should do something by the first of the year. Mr. Fenton said they might be closer to an agreement by then. Mr. Harrington said the Board could table the matter until the December annual review of licenses.
Motion by Mr. Lawlor, seconded by Mr. DeFreitas, unan. to continue this hearing to the last meeting in December (Dec. 21st) to reconsider at that point what actions we need to take. Mr. Fenton will contact the Clerk 10 days prior to that time.

Catherine Frazer, New England Telephone Company, was present with **two pole petitions for Public Hearings.**
1. Joint petition with Mass. Electric -**Place 1 pole on Littleton Road and 3 on Hunt Road** as requested by the Town for the reconstruction of the corner. No one spoke in favor or opposition to this petition.
Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to approve. The road cuts have already been made and there will be no interference with the sewer line.
2. **Billerica Road - place 75 feet of conduit between poles 27/93 and 27/84** to go into a private way. No one spoke in favor or opposition to this petition.
Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to approve.
Ms. Frazer said that at **Marguerite Road and Dunstable Road** the phone company has looked at the area and the the pole is in line where it should be. They would have to get an easement to look at it and Mr. Lynch said the Town will take another look at it.
On **Carlisle Street** there is a Work Request to remove a double pole.

There were no reports from the Town Manager or Board Members. Chairman Logan reported that re the Traffic and Safety request for no parking on the easterly side of Central Square they are now requesting that the Board hold off on implementation until after the next Traffic and Safety Committee meeting on November 18th. The parking lot that we thought was municipal is on private property.
Motion by Mr. DeFreitas, seocnded by Mr. Lawlor, unan. to table the implementation until on or after January 1st.

Mr. Lynch said he has appointed Carl Lebedzinski, Precinct 2, to replace Kenneth Butterfield on the Veterans' Emergency Fund Committee. Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to support this nomination.

Under New Business the Conservation Commission has asked the Board to withdraw Article 8, to repeal the trapping by-law article. Mr. Lawlor said to stand by our current vote, and Mr. DeFreitas said to withdraw this article will only cause another debate and will raise the same issues again. He said the article should win or lose on its own merit. Mr. Logan added that the Board had voted to repeal the by-law at its October 1st meeting.

Mr. Lynch said he wants to withdraw the Special Town Meeting for October 29th, and he will change the Fire Department funding.

At 7:30 p.m. motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to adjourn to Town Meeting.

For the Board of Selectmen, by

Judith E. Carter

Meeting of the Board of Selectmen held Monday, November 9, 1992 at 6:30 p.m. Members present were: William R. Logan, Richard E. DeFreitas, Peter V. Lawlor, Jeffrey A. Brem and Roger A. Blomgren. Town Manager Bernard Lynch was also present.

Chairman Logan introduced Richard Johnson, City Manager of Lowell. Mr. Johnson said he wishes to tell the Board where the Department of Defense proposal is going and to ask for the Board's support. The proposal involves the State purchasing the Wang Tower facility and leasing it to the Department of Defense for 30 years at no charge, including operating costs. The proposal is being used as a magnet to draw 51 communities together and will generate between 4,000 and 7,000 jobs, with both direct and indirect benefits to the Merrimack Valley and surrounding communities.
Mr. Johnson said he needs the Board's help - that the employees workers will be looking at housing in the suburbs. They are setting up committees on housing, health care, education, etc. He added that this is a fast track - that all work needs to be done now to have the package ready to present by the end of the year and there is a need for Chelmsford to be involved with each Committee. They are asking businesses in the area of the Towers to support the project and will need $150,000 - $200,000. Lowell City Counselor Kennedy found the grant RFP in an obscure source and applications have been received from 100 ciites nationwide. Lowell has submitted 3 different sites, and City Manager Johnson said that we need to show the nation our quality of life. He stated that the acquisition price is being negotiated with Wang, and that the City of Fall River has also submitted a proposal but only for land, no buildings.
Kevin Coughlin, President of the Northern Middlesex Chamber of Commerce and Industries, addressed the Board and stressed the regionalization of the project, that it benefits the entire Merrimack Valley and all the surrounding Towns.
Mr. Lawlor asked what can the Town do to make Lowell an attractive site for the project, and Mr. Johnson said that the next three Saturdays are Site Preparation Days, that they are sprucing up the Lowell Connector Saturday. He stressed that this is the opportunity of a generation, will be the foundation of our future and if we don't get this project we will be ready for whatever else is coming along. The Department of Defense is choosing a short list of 30 proposals and a team of six will spend an entire day in the Lowell area before Christmas.
Selectman Brem credited Mr. Johnson and Mr. Coughlin for getting the proposal together and thanked them for all the members.
Chairman Logan said the Town is ready and willing to do whatever we can to help and he will talk to the DPW director about some help on Saturday.

Mr. Lynch recommended that the Board vote to endorse the project and to send letters to the congressional delegations of Mass. and New Hampshire asking for their support.
Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to do so.

At 7:00 p.m. the Board held a **Public Hearing on the subject of Classification.**
Diane Phillips, Chairman of the Board of Assessors, introduced Joseph Shanahan, Sr. and Bruce Symmes, other members of the Board.
Ms. Phillips said that the tax rate has gone up - last year the redistribution was $14.30 and $15.26; this year the flat rate is $16.35. The growth figure for this year is $170,000; for last year $240,000.
Town Manager Lynch commented that the total value in Town has dropped by $8 million, and sewer construction and the trash override have added to the tax rate. The sewer has added $1.68 and the override $.76 per thousand.
Ms. Phillips said that residential valuations are up by less than 1% and businesses have dropped by 4% through the abatement process. The vacancy rate on Commercial property is between 38% and 40%, going down slightly.
Mr. Logan commented that the 5% differential came in 5 - 6 years ago, and that the Board will obtain information tonight and vote at their meeting next week on November 16th.

Douglas Hausler, Esquire, speaking for the **Chelmsford Businessmen's Association**, said that the Association strongly opposes the existing system of classifcation because:
1. the additional tax burden on businessmen serves as a disincentive for new growth;
2. this unfair tax burden makes it harder for existing businesses to compete locally; and
3. this additional tax burden on business and no compensating benefits is discriminatory.

Thomas Moran, Precinct 3 rep., spoke to the Board saying that he wants to maintain the exisitng tax system. Municipal services have been cut and the homeowners hurt economically. He said that businesses are able to take advantage of our increased population of 100,000 during the work day.

John Harrington, President of the CBA, said that 95% of the Association's members are residents of Chelmsford.

Selectman DeFreitas showed two overhead slides, one on Classification vs. Growth, indicating that in the end clasification ends up driving businesses out of town and putting the burden back on the homeowner; and a second slide on Creeping Classification and Attrition showing that classification can eventually cause a rise in residential taxes. The ultimate solution is new growth.
Ms. Phillips said that the estimated levy for this year is 12% over last year.
Mr. Lawlor asked for the state of classification in surrounding communities and the Assesors said that Dracut and Westford never had it, Tyngsboro just voted it out and that Lowell, Billerica, Tewksbury, Andover and Burlington all have classifications with various shifts - Burlington's shift is 75%.
Mr. Lynch recommended that we retain our 5% differential and not hurt growth or the residential taxpayer this year.

Mr. Logan announced that the Board will vote at their next meeting on November 16th.

At 7:40 p.m. Mr. Logan stated that the Board will adjourn until their 8:00 p.m. meeting with the School Committee and Finance Committee for further discussion of the Town's fiscal position.

For the Board of Selectmen, by

Judith E. Carter

Regular meeting of the Board of Selectmen held Monday, November 16, 1992 at 7:00 p.m. Members present were: William R. Logan, Richard E. DeFreitas, Peter V. Lawlor, Jeffrey A. Brem and Roger A. Blomgren. Town Manager Bernard Lynch was also present.

During the Open Session Brad Emerson, 30 Lantern Lane, spoke to the Board about the excessive dumping at the Lowell Landfill, that it appears a great amount of out of town and state trash is being hauled in to make money for Lowell before the end of December when the landfill is scheduled to close. He asked the Board to do what they can to put a stop to this "violent crime against the environment".
Mr. Lawlor told him that the Lowell Sun reported tonight that Lowell City Manager Johnson has halted the dumping of all out of town trash at the landfill immediately, which should cut the tonnage by 80%. Mr. Emerson also expressed the fear that some of the material dumped may be hazardous waste.

Cookie Shugrue-Sungaard, Marina Road, spoke to the Board, saying she had been asked to coordinate the Chelmsford effort to help the City of Lowell with their DoD Cleanup and is looking for Board input on issues raised. The clean-up day is Saturday, with a rain date of the 28th, and will start with Route 110 from the Route 3 Cinema to Industrial Avenue. The next phase is all the streets leading from Chelmsford into Lowell and depends on the number of volunteers. She is asking Board approval of the sites she outlined and said they are looking for safe sites for volunteers. They are also asking for DPW help and need the name of a contact person so equipment could be dropped off. Lowell will supply rakes, shovels, bags, etc. if Chelmsford can't and they are hoping that Public Safety officers won't have to be involved. They are looking for refreshments for volunteers through donations, want about 25 volunteers per site and have asked Scout organizations, the High School and want to ask Town employees to volunteer. She gave contact phone numbers and said they will be at the Wang building on Industrial Avenue at 9 am on Saturday. The Board suggested that Drum Hill Road and Stedman Street be added to the list of sites, and Mr. Logan said the Board will vote to support the project under New Business.

At 7:20 pm the Board adjourned unitl 7:30 pm.

Chairman Logan called the regular meeting to order at 7:30 pm noting that all Board members are present.

On a motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. the Board voted to approve the following minutes: Regular and Executive Sessions of October 5, 19 and 26, Regular Session of November 9 and Executive Sessions of October 1 and 8.

Mr. Lawlor read a **Proclamation** proclaiming **November** as **Hospice Month** and Amber Coleman, Visiting Nurse Association, accepted the proclamation.

At 7:30 pm Sara Goldreich of the **CHS Class of 1993** told the Board that her class wants to have a **bonfire** on November 23rd to promote school spirit. It will be held behind the High School under the supervision of the Fire and Police Departments. Under new regulations the Fire Chief and the Board of Selectmen must give their approval.
Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to **grant permission for the bonfire.**

Mark Perriello, CHS Class of '93 and Student Council member, then spoke to the Board stating that he felt it was time for another **Clean-up Day for the Town,** and has spoken at length with Carrie Steiman and has gained the endorsement of the School Committee for a date of **May 1, 1993.** He will contact church and civic groups, Scouts, PTO's and recreational organizations, will run a Poster Contest in the schools, will have a flyer sent home and put out press releases. Mark said he has also contacted Waste Management for dumpsters and the Police Chief for auxiliary support and will be contacting local businesses for support and donations.
The Board all commended him for his idea and Mr. Logan said the Town can't go wrong with this class sponsoring this project.
Motion by Mr. Blomgren, seconded by Mr. Lawlor, unan. to proclaim the week of April 25, 1993 as a **Cleaner Chelmsford Week** and Saturday, May 1st as Clean-up Day.

Angele Sella, owner and Manager of Homemade Pasta, 61 Central Square was present asking the Board for permission to put **seating in her restaurant.** She had obtained the requested note from landlord George Kalos stating that he has no objections, and the Building Inspector has ok'd not more than 19 seats.
Mr. Lawlor said he had visited the site Saturday and found it to be a clean, nicely run establishment, and he is no longer concerned about parking.
Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to grant the license for seating with a restriction of 19 seats.

Dr. Richard Moser, Supt. of Schools, then addressed the Board, reporting on the work of the **AIDS Task Force.** He passed out a packet of information and said that a Task Force of 18 people was formed last May and has been meeting twice a month. They feel that the Town faces the full threat of the HIV virus and AIDS, and are having an Open Hearing tomorrow night at the Parker School.

The Task Force defined the problem and their recommendations are all school oriented. They did a survey of CHS students and learned a lot as a Task Force, sometimes meeting twice a week. The statement of the problem, written by a sub-committee, says that AIDS is a potential threat to everyone. He listed the sources of AIDS, and said that there are now 5700 cases in Massachusetts. The Task Force took an anonymous survey of CHS students and found that our youth have risk behaviors similar to others in the State, and that their attitude makes the Task Force label the problem serious - their belief in immortality and "it can't happen to me". The Task Force feels that no community is free from the problem and has made up a list of steps that could be taken, although there is stil more work to do.
Dr. Moser said the Board can do things to help - that we need to educate the broader communiuty, not just the schools, that they are concerned about HIV/AIDS in the workplace, and that there has been a great commitment of hours by the Task Force and that they don't want to see the work end.
The Board members all commended Dr. Moser and his group for the fine work they have done. He said that the School Committee will work on policies and he and the Assist. Supt. will implement them. He will share all their information with the Board so they can formulate a town-wide policy, and will be the contact person for the Board.

A **Public Hearing** was then held on the **application of Earl Socha d/b/a Bodyworks Autobody for a Class II Auto Dealer's license to be exercised on the premises at 297 Littleton Road.** Mr. Socha said he has been at this location since 1984 and he needs the used car license to help his business. Mr. Logan said the Police Chief and Building Inspector have both approved the application. In January, 1992 the Building Inspector had checked to see if he was selling cars there illegally but Mr. Socha said the only car he had sold was his own Toyota.
No one present spoke in favor, and Paul Smith, representing Precision Machinsts Company, 299 Littleton Road, said he is opposed to the application since thre are too many cars and too much congestion in that lot now. Mr. Smith also said that if there are more cars on the lot it is more inviting to theives and would bring more crime into the area.
Mr. Socha said that he has 20 parking spaces in his area and he has only 4 cars in those spots - he could put them all inside if he had to. He said he has two bays of 1,000 sq. ft. each. He is buying cars to repair and not planning to sell much to the public but to dealers. Mr. Lawlor commented that he had visited the site Saturday and it was clean, well kept and a complement to the area. He showed a plot plan to the Board and said he doesn't need room for 20 cars but would like a license for 5. Mr. Socha said he doesn't think that anyone will break into cars on the lot for repair. Mr. Brem said that we could limit the number to 3

vehicles tonight and have the Building Inspector look at the site and determine the proper number of spaces. Mr. Socha could come back in if he wants to expand the number to 5. Mr. Blomgren said that some days that whole area looks like a junk yard, and Mr. Socha said that the building needs to be kept up better.
Motion by Mr. Brem, seconded by Mr. DeFreitas, unan. to **grant a Class II Auto Dealer's license to Earl Socha d/b/a Bodyworks Autobody to sell not more than 3 used cars.**
Vote was 4 in favor, 1 opposed (Mr. Blomgren).

The Board then met with **Ronald Wetmore, 247 Acton Road, President of the Chelsmford Masonic Association, a committee formed to look into purchasing the North Town Hall to use as a Masonic lodge.** Mr. Wetmore went over a list of the reasons they would like to purchase the building: it suits the purpose of a lodge, with the second floor for a lodge ceremonial room and the first floor for a function room; the building has not been used except for storage for 12 years and is falling apart - they would upgrade the heating system, insulate, fix or replace all windows, the building can be made handicapped accessible. They don't have $75,000 to spend right now but will raise money through fundraisers. He showed pictures of lodges in other Towns and said he thinks they're the assset that the Board is looking for. Mr. Wetmore said that they are not allowed to have a liquor license or to serve it in the building - the only way it might be served is if a private party rented the function hall and was granted a one-day license.
Mr. Lynch explained that this is a piece of public real estate and has to go through the bid process. When it was advertised the Board put a minimum amount that would be accepted as a bid on the property and since the Masons bid only $1.00 the Board will have to go back out for bid. We could put right of first refusal into the specs. Mr. Lynch outlined the Board's options: maintain it as a Town building in its current condition; maintain it as a Town buidling and utilize it; use it as civic/cultural space; use it as a storage facility; sell or lease it to the high bidder; demolish the building and sell it as a lot. He said we should explore all the options and determine where can the Town derive the biggest financial benefits.
Mr. Logan stepped down from the Chair and moved to bring back the bidding process, take a minimum bid of $1.00, right of first refusal, BOS to review proposed restoration of building on a cost basis, a clause that states a minimum investment of $50,000, inclusion of the Fire alarm horn may be used by the Fire Dept. and an RFP for review at the Board's next meeting, seconded by Mr. DeFreitas. Vote on the motion was unanimously in favor.

Under Reports, Mr. Logan reported that the Board met last Thursday with Department Heads, found the meeting very effective and found out each department's needs and goals. The Board would like to do this yearly.
Mr. Logan reported that during Town Meeting Rep Tom Moran had several recommendations that the Board will be working on during their next Work Session.
The Finance Committee is starting budget sessions and he said that Town Meeting reps are welcome to attend.

Mr. DeFreitas reported on ESP meetings - next meeting on Wednesday and Part 3 on their television series on December 3rd. He agreed with Mr. Logan that the Department Head meeting was very productive. Mr. DeFreitas said that he was very disappointed that the School Committee would not let Dr. Moser attend since he is the most knowledgable person on their needs. He then went on to read a statement in response to an article in Sunday's newspaper.

Mr. Lawlor asked the Town Manager if we've done anything else to help the City of Lowell with their DOD project and Mr. Lynch said our DPW is working in the area of Chelmsford Street and Wang, and we have sent correspondence to major tenants along Rte. 110 asking for their assistance.

Mr. Brem reported that he has had calls on the leaf pick-up - that they didn't pick up cardborad boxes, and announced that there will be another pick-up December 5th.
He said that we are a pro-active Board and asked residents to use the Selectline more often.
Mr. Blomgren asked if sand and salt are available for residents and Mr. Lynch said it will be publicized that it is at the parking lot across from McCarthy School on Old Westford Road.

The Board then took their vote on Classification on the tax rate.
Mr. Logan re-opened the Public Hearing of November 9th and then closed it.
Mr. DeFreitas moved to leave classification at 105%, seconded by Mr. Lawlor.
Mr. Blomgen gave the Board handouts of what he had prepared, noting that Chelmsford has the best classification system of all the cities and towns that have it. He showed the shift in the tax base from 1991 to 1993, and said that there has been about a 25% increase in the tax rate.
The issues are that 2 1/2% is based on larger and larger tax bases and taxpayers can't afford continued up trends. The Board needs to spend more time educating Towm Meeting members that we can't afford to pay any more real estate taxes. Our levy base is growing at a disproportionate rate due to abatements, revaluations and overrides.

Mr. Logan said it is a difficult issue, that he feels Chelmsford is not doing a good job with classification and that he wants to get away from it, but will vote for it this year.
Mr. Brem said that business is valued higher than residences, and then we add 5%, which doesn't seem fair and as vacant space fills up we can look at going back to 100%.
The vote on Mr. DeFreitas' motion to leave Classification at 105% was voted unanimously in favor.

Motion by Mr. Brem, seconded by Mr. DeFreitas, unan. to grant **Roadside Vendor Licenses** for the sale of Christmas trees to:
1. Little League at the Rte. 110 ballfields;
2. Donald Kohl at 33 45 Vinal Square.

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to grant a **One-day All Alcoholic license** to St. John the Evangelist Church for a Christmas party.

Under **Appointments** Mr. Lynch said he has made the following appointments:
Capital Planning Committee: C. Thomas Christiano, 6 Drew Circle;
Affordable Housing Master Plan Committee: Angela Westgate, 7 Wildes Road
Community Teamwork, Inc.: he has already appointed William Poulios who is doing an excellent job.
The agenda stated an appointment to the Holiday Decorating Committee, but should have read the Cultural Council. Mr. Brem said he has not yet resigned from the Council so we should wait on that appointment.
Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to support the Town Manager's appointments.

Under **New Business, Mr. Lawlor** said that when we license Christmas trees next year we should ask them to accept trees back and dispose of them somehow.

Mr. DeFreitas said that on Saturday, December 5th, the Board will be making random liquor license inspections.

Mr. Brem said that he wants to establish a **Long Term Planning Committee** to plan for open space, trail systems, signage and other aesthetic improvements, infrastructure and zoning issues, and moved to establish such a committee to be made up of reps from the BOS, School Committee, Finance Committee, Planning Board anc Capital Planning Committees, and the Town Manager and the Finance Director. He would like to have them develop a Master Plan for the next 5 - 20 years, and meet the second Thursday of each month. Mr. Lawlor suggested that the Board set parameters in a Board Work Session, to give direction to this effort. This was put in the form of an amendment to the motion and was unanimous.

Mr. Blomgren asked Mr. Lynch to talk about snow emergencies at the next meeting, snow removal practices and minimal salt requirements.

Mr. Blomgren moved that the Board send a letter to the Billerica Board of Selectmen stating that we are confident that Chelmsford will prevail in the Thanksgiving Football game but if we should lose we will take their Board to lunch, and vice versa. Motion was approved unanimously.

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to support the **DOD Clean-up** as proposed by Cookie Shugrue-Sungaard.

Motion by Mr. DeFreitas, seconded by Mr. Brem, unan. to approve the **installation of two Stop Signs:**
1. Hazen Road southerly at Concord Road; and
2. Dunstable Road southerly at Vinal Square.

At 10:00 p.m. motion by Mr. DeFreitas, seconded by Mr. Lawlor, to adjourn to Executive Session to discuss Collective Bargaining. Roll Call vote was as follows: Mr. DeFreitas-Aye; Mr. Lawlor-Aye; Mr. Brem-Aye; Mr.Blomgern-Aye; and Mr. Logan-Aye. Mr. Logan told the press that the Board will not be returning to open session and there will be no announcements.

For the Board of Selectmen, by

Judith E. Carter

Regular meeting of the Board of Selectmen held Monday, December 7, 1992 at 7:00 pm at the East School, Carlisle Street. Members present were: William R. Logan, Richard E. DeFreitas, Peter V. Lawlor, Jeffrey A. Brem and Roger A. Blomgren.

During the Open Session Lynn Marcella, 74 Carlisle Street and member of the Housing Authority, asked about the status of the East School building. She said it is an eyesore and that the Housing Authority would love to have the building for their own use. Mr. Lynch said we could have reps from the Scouts come in to a meeting again to update the Board on their plans. Ms. Marcella said she had heard that the Scouts were giving up the building.
Ms. Marcella then asked about the poles in the middle of the street in several instances in East Chelmsford. Mr. DeFreitas told her that we may put islands around the poles on Marshall and Canal Streets, and that on Randall and Donald Streets the poles would have had to be moved across the street and the neighbors did not want this done.
Boy Scout Director Frank Berry spoke to the Board stating that the Scouts are making attempts to renovate the building and replace the roof. He wants it known that the Town did not give the school to the Scouts, that they paid $28,000 for it. Since 1986 they have paid off the mortgage and in 1989 had drawn up plans for renovations which would cost $800,000.

Rene LaRouche, 20 Dunshire Drive, gave the Board an update on the trapping of the beavers, stating that 60 have been trapped so far. The trappers will list the locations of where the beavers have been trapped at the end of the season.

Isabel Gonsalves, Biltmore Avenue, said she is concerned about the war monument in East Chelmsford. She would like to have a fence put around the monument and the flag pole restored. Mr. Lynch told her he had the flagpole scraped but it was rotten and will be replaced with an aluminum pole in the spring. He will have the DPW look at the plaque and monument.

Henry Emmett, 13 Smokerise Drive, said he didn't plan to speak tonight but as a Town Meeting Rep he voted in favor of trapping and corrected some information Mr. La Rouche had given - Kathleen Hillman is not associated with the Friends of Animals, the article was not against trapping, the figure of 300 beavers has not been substantiated but they will trap more than 300 at the rate they're going.

Chairman Logan called the meeting to order at 7:30 p.m. and asked for a moment of silence in memory of those who died on Pearl Harbor Day. Mr. Logan thanked Frank Barry and the Boy Scouts for letting the Board use the building. He said that the Board will be meeting at the Byam School and the Senior Center during the coming months.

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to **approve the minutes of the November 16th meeting, Regular and Executive Sessions.**

Lynn Lockhart was present representing **Carlisle Superette, 83 Parkhurst Road.** She said they have been in business for five weeks and have a **need for tables and chairs** since Courthouse Square appears to be more of a Food Court than a take-out area. Mr. Logan read a letter from the Building Inspector approving seating for not more than 16 people and a letter of permission from owner Eric Katz. Ms. Lockhart said they will start with 12 seats and work up to 16 if necessary.
Mr. Logan said he has talked to Mr. Lockhart and feels there is sufficient space for seating.
Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to approve the request for seating.

David Cunha, owner of Country Clubs USA and II, was present to update the Board on the activities at his billiard parlor and request an extension of hours to serve beer and wine to 1:00 am. Mr. Logan stepped down from the Chair and did not participate in the discussion or vote due to a potential conflict of interest. Mr. Cunha showed Board members pictures of three recent tournaments and said he already has six scheduled for next year. He is requesting the extension of hours for Thursday, Friday and Saturday nights and said they have had up to 200 spectators, including many local people.
The hours now are 12 pm - 12 am and he is requesting a closing of 1 am, at his discretion. Mr. Cunha said he is also asking for two pinball machines in the lounge since there is often a lot of time between matches and was told to fill out formal applications.
Mr. Cunha said that busines is going rather slow and they're not rushing it. They have the largest room in New England for tournaments. Mr. Brem asked if there are any problems with parking and Mr. Cunha said No.
Motion by Mr. Lawlor, seconded by Mr. Brem, to **approve the extension of hours for Country Club II** with all the restrictions on the original license to continue, to take effect January 1st. Vote was 4 in favor. Mr. Logan did not vote.

Under **Reports, Town Manager Bernard Lynch** said that re the School Committee's work on the **AIDS Task Force**, he has met with Judy Dunigan, Public Health nurse and she feels there is a role for the Town. He will appoint a Task Force with Ms. Dunigan and 2 - 3 members of the medical community and they may have a call-in show on Cable TV.

Regarding **regionalization**, Mr. Lynch said he has explored with area managers the idea of having a shared Veterans' Agent with Westford. Their agent has retired and Kevin Cody will cover both communities. Mr. Lawlor asked about the hours and Mr. Lynch said that Mr. Cody will spend 3 days a week in Chelmsford at a cost to the Town of 60% of his compensation and Westford for 2 days, at 40%. The Northern Middlesex Council of Governments will hire him as a full-time employee and we and Westford will contract with him. Our share will cover wages and benefits but he will be under the direct supervision of NMCOG's Bob Flynn, with Mr. Lynch and Bob Halpin of Westford as the working committee. Clerical assistance will be provided by both Towns and NMCOG.
Motion by Mr. Brem, seconded by Mr. DeFreitas, unan. to move to cooperatively provide veterans' services to the residents of Westford and Chelmsford.

Mr. Lynch reported on **Snow Emergencies**, stating that with 6" of snow we declare a Snow Emergency so that there will be no parking on the streets during plowing. DPW Director James Pearson had submitted a report to the Board and Mr. Lynch went over the highpoints, noting that we now have routes and priorities for clearing snow.
Sand and salt for residents is available at the intersection of Graniteville and Old Westford Roads. The ratio of sand and salt is 6 - 1, adjusted with conditions of the roadways, and two trucks have liquid de-icing mechanisms. Mr. Lawlor asked about salt distribution and does Mr. Pearson coordinate with the Water Departments re sensitive areas. Mr. Lynch said that he is in touch with them, and Tom Firth, East Chelmsford Water Commissioner, said that roads in the East District are mostly controlled by the State. Mr. Brem asked that Mr. Pearson have copies of the policy available to residents.
Mr. Lynch said that we have made great strides in snow and ice removal in the last three years, in both management and equipment. He answered several questions from Board members and told the public to call the Highway Dept. with problems.

Under **Reports, Mr. Logan** asked the Town Manager to check into the unfinished building situation at 93 Old Stage Road and Mr. Lynch said he will check with the Building Inspector.
He asked where we stand with Public Safety Initiatives and where are we going with it. Mr. Lynch said we are still exploring, and need coordination within the public safety departments. He said we can talk about it at the Work Session and explore central administration.

Mr. Lawlor reported that he had asked that dealers accept back **Christmas trees for recycling** but is now reporting that Laughton's will accept trees this year and he is encouraging everyone to recycle their trees.

Mr. Lawlor reported that Lowell didn't get the DOD project but he wants to praise the commendable effort by our Town Manager and others to help the City of Lowell.

Under Other Business, St. Vartanantz Cultural Pavilion had applied for three one-day All Alcoholic licenses for Dec. 18, Dec. 31 and Jan. 2nd. Vote by Mr. DeFreitas, seconded by Mr. Brem, unan. to amend the Dec. 31st license to read 1:00am, not 12 midnight and let the Church know of the amendment and also that we need completed applications, including hours.
Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to approve the three licenses.

Mr. Lynch reported on the sale of the North Town Hall, stating that we no longer are asking for a minimum bid of $75,000 and are ready to go back out for the best possible price. Mr. Lynch said there is nothing in the RFP re a schedule of renovations and asked the Board to call him with other ideas. He went over the Financing plan and said we haven't asked but can ask for the amount of money they plan to invest in the building.
Mr. Brem said that on the proposal page the "proposed price for land and building" should be payable at the closing, not the purchase and sale signing. There also should be more explanation of non-parofit payment in lieu of property taxes.
Mr. Blomgren said that on Page A-2 a bond could be an acceptable instrument.
Mr. Lynch will re-submit the proposal after making BOS corrections and additions.
The Board discussed the minimum bid.
Motion by Mr. DeFreitas to ask for a minimum bid of $10,000. Mr. Lynch said a feasiblity study may show what we should upgrade to make the property more attractive. Lynn Marcella said that the Housing Authority had studies done, including parking and historic values, and she will get the studies for the Board. Mr. Brem commented that the parcel is now in a CD zone and read the uses permitted in that zone.
Mr. Logan recommended going with the RFP that's been presented and added that this building is a true asset that we've done nothing to for 11 years.
Motion by Mr. Lawlor, seconded by Mr. Blomgren, to amend Mr. DeFreitas' motion to call for a minimum bid of $50,000. Mr. Lynch said that we could go with an auction but can't ask about renovation plans that way.
Motion by Mr. DeFreitas, seconded by Mr. Blomgren, to include the renovation plan as part of the RFP and to note that the proposal would be rated highly if the exterior structure remained the same. Vote on the motion was 4 in favor, 1 opposed (Mr. Logan).
Mr. Lynch said we should get the RFP out by the first of the year and have bids by February 1st.

Under **Renewal of licenses**, Mr. Lynch said that we can't release licenses until all taxes due have been paid. Mr. Logan read the list of Class I and Class II Auto Dealer licenses.
Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to approve the renewal of these licenses subject to payment of taxes.

Under **Contract Awards**, Mr. Lynch said that the Town will start owning, rather than leasing, streetlights, and that Homestead Co. will do an inventory and the conversion process and draw up an RFP for $18,600.
Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to support this contract award.

Under **New Business**, Mr. DeFreitas asked if the **entertainment advertised at the Meadow Lounge is X-rated**, and Mr. Lynch said he will have it checked out.

Mr. Lawlor said we have met with all the **Water Districts** and he wants the Board to form a consensus as to what we want to do re consolidation. We can discuss this at the Work Session next week.

Mr. Brem gave an **update** on **Frequency Sources**, stating that he has read that the public involvement process is starting for waiver approval.

Mr. Blomgren said that Tom Moran has asked to have an **Ambulance Study Committee** formed and what is the status. Mr. Lynch said that he has a couple of people in mind but some don't have the time to serve. We need more outreach and he will report back at the second meeting in January. Mr. Lynch had met with reps from the ambulance company and the Fire Chief and they told him that 86% of the runs in Town are under 7 minutes.

Mr. Blomgren asked when Homestead Estates will be getting stretlights and Mr. Lynch said in the Spring.

Mr. Blomgren asked about the **challenge to the Billerica BOS** re the outcome of the **Thanksgiving Day Football Game**. Mr. Lynch said we sent them an offer and they accepted it, but wanted 4 points. We still beat them, and now the Chelmsford BOS must choose a restaurant.

Mr. Brem said that a **Public Involvement Plan** is being put together by **Frequency Sources** and gave the DEP contact number. He asked that his long range planning process be discussed in the Work Session next meeting.

At 9:10 p.m. motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to adjourn the meeting.

For the Board of Selectmen, by

Judith E. Clark

Work Session of the Board of Selectmen held Monday, December 21, 1992. Members present were: William R. Logan, Richard E. DeFreitas, Peter V. Lawlor, Jeffrey A. Brem and Roger A. Blomgren. Bernard Lynch, Town Manager, was also present.

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to approve the minutes of the December 7th meeting at the East School.

Under License Renewals, motion by Mr. DeFreitas, seconded by Mr. Lawlor to approve renewal of all nine All Alc. Common Victualer license holders who have paid their taxes. Mr. Lawlor asked if FY93 is considered delinquent and Mr. Logan told him yes, either one or two quarters. Vote was 4 in favor, 1 abstention (WRL).

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, to approve the All Alc. License for The Courthouse, 4 in favor, 1 abstention (WRL).

Motion by Mr. Lawlor, seconded by Mr. Brem, to approve the renewal of the All Alc. license for Old MacDonald's, subject to: 1. payment of taxes no later than noon on Dec. 31, with a schedule to be approved by the Town Manager and 2. extension of the approval to be granted month by month. Mr. Blomgren commented that we have not issued licenses in the past unless payment is made. Vote was 3 in favor, 2 abstensions, (WRL and RDeF, both due to conflict of interest).

Motion by Mr. DeFreitas to re-consider the first vote on the nine licenses to vote on CIRO's and Vincenzo's, with Mr. Lawlor and Mr. Logan abstaining. Vote was 3 in favor of renewing these two licenses.

A Public Hearing was held on the renewal of the Class III Auto Dealer's License for North Chelmsford Auto Parts, Sleeper Street. Charles D' Angelo, President, spoke with the Board stating that he has done everything the Board has asked him to. The fence came down during the storm but that's being put back up. Town Counsel James Harrington said that the Conservation Commission has inspected the property and found that substntial work has been done. They required a building, which has been built and is operational. The Commission voted on Dec. 16 to tell the Board that they are OKing the renewal and will re-inspect on April 15th to make sure that all the oil problems have been alleviated. Attorney Geary is also in agreement with the license being renewed through April 15th.
Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to extend Mr. D' Angelo's Class III license through May 31st, with a future extension pending the Conservation Commission's review on April 15th.

The Board then discussed the Public Hearing to revoke the All Alcoholic Package Goods Store license issued to KAP Liquors, 149 Gorham Street.
Motion by Mr. Lawlor, seconded by Mr. DeFreitas for discussion, to close the Public Hearing continued from October 26th.
Mr. Logan said this is a continuation of the Public Hearing on the revocation of KAP Liquors license.
David J. Fenton, Esquire represented KAP Liquors and Peter Kapala. He summed up the actions so far - they had owned the property at 149 Gorham Street, and Shawmut Bank foreclsoed in June. Efforts are being made to sell the liquor license and KAP has filed for renewal for 1993. Shawmut Bank has advertised for the foreclosure sale of Mr. Kapala's personal residence for Jan. 7, 1993.
Mr. Fenton told the Board that his client is asking for renewal of the license with an extension of 3 - 4 months so the license could be sold.
Jacob Sartz, 87 Gorham Street, said that Mr. Kapala has run an ethical business, a credit to the neighborhood. Mr. DeFreitas asked Town Counsel James Harrington if the license can be restricted to any particular location, and he said it can be denied in a location if the area is too saturated with package stores. Mr. Blomgren said it appears there are two assets - the building owned by Shawmut and the license owned by the Kapalas. Attorney Fenton said he is trying to market the license at that location, but will try another location if necessary. He said that the Town won't lose by holding off on the revocation and if they renew the license KAP will find a better market value.
Mr. DeFreitas said they are asking the Board to artifically prop up the value of the license, and that Mr. Harrington had said that it's easier to control the transfer of an existing license than a new one.
Mr. Logan then declared the Public Hearing closed.
Mr. Lawlor asked if Mr. Kapala can pay $1,300 by Dec. 31st and was told Yes. He asked if the license would be issued on the premises and Mr. Harrington said it would be subject to approval or denial by the ABCC, which would take up to 90 days, and the license would have to be granted on a particular premises.
Mr. Fenton said that Shawmut Bank will not appeal or intervene as a third party.
Mr. Lynch said he recommends that the Board vote against the revocation of the license in the October 26th continued hearing.
Mr. Harrington's recommendation is that the Board take no action on revocation which would be subject to an appeal if revoked. The license will terminate on its own on December 31st.

Mr. Logan said the Board will discuss approval of package goods store licenses.
Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to approve the renewal of licenses for #'s 1, 2, 3, 6 and 7 on the list of package store licenses as prepared by the office.
Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to approve the Wine Rack license renewal contingent upon very minimal back taxes being paid by December 31st.

Motion by Mr. DeFreitas to extend the KAP Liquors Package Store license on a month to month basis, not to extend beyond March 31st. Mr. BLomgren said that if we renew on a monthly basis it will be to KAP's advantage and Mr. DeFreitas said that we have more control over a transfer location than a new location. Mr. Brem asked how we can issue a license to premises when the licensee has no interest in these premises, and Town Counsel Harrington said we are on shaky ground doing so but he doesn't foresee any fines or liabilities if we renew for 90 days. Mr. Blomgren said he feels we should help small businesses all we can in this economy, without endangering the Town. Mr. Harrington recommended granting the license for 90 days, until March 31st, with a report at the end of every month.
Mr. DeFreitas moved to amend his motion to re-issue the license until March 31st and ask for updates at the end of January, February and March, if necessary, to aid the marketability of the license.
Vote on Mr. DeFreitas' amended motion was 2 in favor (RAB and RDeF), 2 opposed (PVL and JAB). Mr. Logan abstained.
Mr. Blomgren then moved to renew the license from January 1 - January 30 and then examine and renew and extend on a 30-day basis. Mr. Lawlor will second the motion but feels the Board should perhaps not issue this 7th license in these extraordinary times.
Mr. Blomgren moved to put the motion back on the table to reconsider Mr. DeFreitas' motion, to renew to March 31st, with them reporting back monthly.
Mr. Brem amended the motion to ask Attorney Fenton to report back by January 31st with correspondence from the owner of the property (Shawmut Bank) indicating that they are aware of and approve the issuance of this license. Mr. Harrington said it may be impossible to get a letter from the bank but Mr. Fenton should advise them what's happening.
Mr. Brem moved to amend the motion to include that the applicant notify the owner of the property of what is happening and have them send a letter to the Board if opposed. Mr. DeFreitas moved to notify the bank and review the matter every month until March 31st; if we receive a negative letter from the owner, then the license will cease to exist. Vote on the amended motion was 3 in favor, 1 opposed (PVL), 1 abstention (WRL).
Vote on Mr. DeFreitas' original motion was 2 in favor (RAB and RDeF), 2 opposed (JAB and PVL), 1 abstention (WRL). Mr. Brem moved to amend this motion to extend for 45 days, no second.
Motion by Mr. DeFreitas, seconded by Mr. Lawlor, to grant a one month extension on the license. Vote was 4 in favor, 1 abstention (WRL).

Motion by Mr. DeFreitas, seconded by Mr. Brem, unan. to renew all 3 Beer and Wine Package Store licenses. It was noted that Cedar House should be told to file a new floor plan within the next month to cover renovations found during the Board's inspection.

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to approve the renewal of all Class I and II Auto Dealer's licenses contingent upon payment of taxes.

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to grant 8 Theatre licenses to Route 3 Cinema contingent upon payment of all taxes and police detail monies owed the Town.

Under All Alcoholic Common Victualer licenses, motion by Mr. DeFreitas, seconded by Mr. Lawlor, to approval renewal contingent upon any taxes owed being paid to the Town. Vote was 4 in favor, 1 abstention (WRL).

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to grant the renewal of Billiard Table licenses to Pockets and Country Club Inc.

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to grant a Taxi Licenses to Alert Delivery Service and J T Shuttle Service. Mr. Lynch said that John Warren, owner of J T's, has been told by the Building Inspector that his business is not allowed in his resdiential neighborhood, and was told 45 days ago to file with the Board of Appeals.
Mr. DeFreitas amended his motion to state that J T's license will be renewed contingent upon his complying with the Building Inspector and Board of Appeals. Vote was unan. in favor. Mrs. Lynch will report to the Board on Jan. 4th if Mr. Warren has not started the process.

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, to renew the two All Alcoholic Innholder's licenses. Vote was 4 in favor, 1 abstention (WRL).

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to approve the seven Wine and Malt Restaurant licenses subject to all monies owed by the Town being paid. Vote was 4 in favor, 1 abstention (WRL).

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, to approve the two All Alcoholic Restaurant licenses limited to Wine and Beer. Vote was 4 in favor, 1 abstention (WRL).

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, to approve the renewal of the two All Alcoholic Club licenses. Vote was 4 in favor, 1 abstention (WRL).

On the renewal of Common Victualer licenses, motion by Mr. DeFreitas, seconded by Mr. Lawlor, to approve the Common Victualer licenses for Country Club USA and Country Club Too. Vote was 4 in favor, 1 abstention (WRL).

Motion by Mr., DeFreitas, seconded by Mr. Brem, to approve Common Victualer license renewals for the two Dunkin' Donut shops. Vote was 4 in favor, 1 abstention (PVL).

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to apprvoe the renewal of the remaining 38 Common Victualer licenses except for the Route 3 Cinema.

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to approve the renewal of the Route 3 Cinema license contingent upon Mr. Leo coming to the January 4th meeting.

At 9:10 the Board went into a Work Session.

Mr. Lawlor addressed the Board on the subject of consolidating the three separaste water districts in Town, stating that the Talisman Company wrote a report on the subject of Water District Consolidation, comparing Chelmsford to 3 other communities, and noting that there is a duplication of services within the water districts and sewer department. In 1988 a Bennett and Shaw report and in 1975 a Weston & Sampson report both reached the same conclusion as Talisman - that there is duplication of effort and the districts should be combined.
Mr. Blomgren said he feels the Water Commissioners should be invited to work with the Board on this.

Mr. Lawlor said that assets are an infinite amount of water, existing infrastrucure - pipes, etc., knowledgeable employees - they can keep the best of these people. Mr. Lynch said that with consolidation we would not lose any of this.
Mr. Brem asked will we lose people, or where else is the savings - he feels we need : 1. an engineering analysis; 2. a list of the objectives in consolidadtion; and 3. the projected consolidated water rate. We need objective facts to give to the Town Meeting reps.
Mr. Lawlor asked where other BOS members stand on ths subject.
Mr. DeFreitas said that in the year 2005 the Sewer Commission is to be disbanded and why not make this the target date for consolidation.
Mr. Lynch asked the Board to vote to put an article on the Town Meeting warrant.
Mr. Lawlor said if it doesn't pass at Town Meeting, it won't go to the Legislature, and he wants the Board to vote tonight.

Motion by Mr. Lawlor, seconded by Mr. Brem for discussion, to endorse the consolidation article and support consoldiation in general.
Mr. Brem said he wants a sub-committee - he and Mr. Lawlor to sit down with Mr. Lynch and Weston & Sampson to look into an engineering study.

Mr. Blomgren said each Board member should let Mr. Lynch know their lists of fundamental criteria and data and communicate our actions to the Water Commissioners.
Vote on Mr. Lawlor's motion was 4 in favor, 1 opposed (RDeF).

Mr. Brem then discussed his proposal for a Long Range Planning Committee. He said that we as the Board set policy and do long range planning but needs and assessments should be looked at on a town-wide basis. He feels that the Board can't do all this in twice a year work sessions so he wants to form a committee. He said that the Board members are welcome at all sessions of the committee.
Mr. Logan said this sounds similar to the Blueprint 2000 Committee. Mr. Blomgren asked what about doing this planning during our Work Sessions and asking department heads and committees to come in. Mr. Logan said we can add another Work Session each month.
No decision on a forming a Committee was made.

At 10:50 pm motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to adjourn to Executive Session to discuss Collective Bargaining. Mr. Logan said we will not be returning to Open Session and there will be no announcements.

For the Board of Selectmen, by

Judith E Carter